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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 rail ticketing - First Presidency compromise proposal

Delegations will find attached the first Presidency compromise proposal on rail ticketing.

Annex

2026/0115 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on rail ticketing

(Text with EEA relevance)

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), point (d) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) As rail transport is largely electrified and energy efficient, greater use of rail services should help to reduce transport emissions and energy consumption. In order to achieve the Union's objectives of sustainable, smart and resilient mobility, rail transport should

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1 OJ C , , p. .
2 OJ C , , p. .

become more attractive in in particular as regards affordability, reliability, and services that better meet the needs of travellers.

(2) An efficient online ticketing system is essential for the functioning of the railway passenger market. Various competition cases at Union and national level indicate that the railway online ticketing market is not functioning optimally. The scarce availability of tickets issued by new-entrant companies on the well-established online sales channels of incumbent railway undertakings makes it difficult for passengers to find a complete overview of available rail services. Likewise, the incomplete availability of rail products of incumbent railway undertakings offered by independent online ticketing service providers, makes them a less attractive purchasing channel for consumers.

(3) The fragmentation of railway schedule information and ticketing across the Union constitutes an obstacle to the effective functioning of the internal market for rail passenger services. Easy access to all rail products, starting from the information on alternatives operated by competing railway undertakings, is key to making the railway system accessible, attractive and affordable for consumers. Passengers should be able to find, compare, combine and purchase tickets for railway journeys on a single ticketing channel of their choice, saving time and effort in finding the offer that best matches their needs. Online ticketing service providers and railway undertakings should be able to offer customers ever more integrated and competitive services, including single tickets combining the services of different operators, so that passengers can make full use of potential of the European railway system.

(4) Railway undertakings may not have an interest in distributing the tickets for their products through online ticketing service providers that they do not control or where competitors are also present. That may deprive customers from the possibility of having access to a single ticket offering. Accordingly, online ticketing service providers should be able to sell and combine railway products offered by railway service providers and have the right to enter into commercial agreements with railway service providers for the display, re-linking, reselling and distribution of their rail products.

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(5) Specific regulatory requirements should be introduced to avoid possible market distortions caused by shareholding or controlling links between online ticketing service providers and railway undertakings with significant market presence in the railway service market.

Significant market presence should be assumed to exist where a railway undertaking holds a market share of 50% or above, as supported by relevant case law and Commission decision-making practice in the application of Union competition rules[3].

(6) Online ticketing service providers owned or controlled by a railway undertaking with significant market presence in a Member State have inherited quasi-monopolistic positions in the rail ticketing market and are the standard reference for rail passengers. Even after the entrance in the market of independent online ticketing service providers or rail undertakings, their customer base remains by far the largest, due to brand recognition, persisting purchasing habits, and difficulties faced by alternative online ticketing service providers in gaining passengers' confidence. Because of their large market share, online ticketing service providers owned or controlled by a railway undertaking with significant market presence in a Member State are indispensable railway online ticketing service providers for any railway undertaking offering transport services in the respective national market, but they are often unwilling to host the rail products of railway service providers that compete with their vertically integrated railway undertaking. This prevents the customers of those indispensable railway online ticketing service providers from having access to a complete ticketing offering. To ensure broader choice for consumers and avoid penalising other railway undertakings, such indispensable railway online ticketing service providers should offer their services on non-discriminatory terms to any requesting party and always provide the information about the schedule of services offered by competing railway undertakings. Accordingly, railway undertakings active in those national markets should have the right to enter into commercial agreements with those providers for the re-linking, reselling and distribution of rail products.

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[3] Judgments of the Court of Justice of 13 February 1979, Hoffmann-La Roche v Commission, 85/76, EU:C:1979:36, paragraph 41 and of 3 July 1991, Akzo v Commission, C-62/86, EU:C:1991:286, paragraph 60; and judgment of the Court of First Instance of 12 December 1991, Hilti v Commission, T-30/89, EU:T:1991:70,

(7) While commercial agreements are the basis for establishing respective obligations and benefits, the market processes may be incapable of ensuring fair economic outcomes with regard to the rail ticketing market. Although Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) apply to the conduct of online ticketing service 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 online ticketing service providers that are not necessarily dominant in competition-law terms.

(8) To ensure that online ticketing service providers and railway undertakings are not confronted with unreasonable obligations, parties to those agreements should be required to accept fair, reasonable and non-discriminatory conditions. In particular, the remuneration of third-party online ticketing service providers by railway undertakings and the pricing by indispensable railway online ticketing service providers should be considered unfair if it confers an advantage on those providers or the railway undertakings which is disproportionate to the cost of the service provided to the railway undertakings. 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 providers; prices charged or conditions imposed by the provider for different related or similar services or to different types of users; prices charged or conditions imposed by the provider for the same service in different geographic regions; prices charged or conditions imposed by the provider for the same service that it provides to the railway undertaking vertically integrated with it.

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(9) In order to promote rail as an attractive alternative to less sustainable travel options, tickets for railway services should be made available by the railway undertaking sufficiently in advance to allow passengers to plan journeys effectively and online ticketing and other railway service providers to be able to provide their services such as single tickets, particularly when coordinating connections across multiple operators. The [new Regulation on the use of infrastructure capacity] requires infrastructure managers to publish the working timetable 5.25 months ahead of the start of the timetable period. Accordingly, as soon as services have been allocated infrastructure capacity in the working timetable the related tickets should become available and railway undertakings and ticket service providers should be able to sell tickets for the related railway services at least five months in advance.

(10) In order to provide customers with a full overview of available railway connections and ensure the same visibility to all service providers, the indispensable railway online ticketing service providers should, independently of receiving any request from railway service providers, display on their website the full railway transport offer across service providers, and include them in the result of searches conducted by customers. For that purpose, they should use the information available through the national access points established under Commission Delegated Regulation (EU) 2017/1926[4] and Directive 2010/40/EU of the European Parliament and of the Council[5], which constitute a single point of access for data users to the static, historic, observed and dynamic travel and traffic data of different transport modes, and are essential to supportfair competition and consumer choice.

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4 Commission Delegated Regulation (EU) 2017/1926 of 31 May 2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services (OJ L 272, 21.10.2017, p. 1, ELI: http://data.europa.eu/eli/reg_del/2017/1926/oj).

5 Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transports, OJ L 207, 6.8.2010, p. 1, ELI: http://data.europa.eu/eli/dir/2010/40/oj).

(11) In accordance with Directive (EU) 2016/797 of the European Parliament and of the Council[6] , Commission Implementing Regulation (EU) 2026/253[7] laid down a technical specification for interoperability (TSI) relating to the 'telematics applications for passenger and freight services' subsystem of the rail system in the Union. It lays down common, specific and interface requirements for data sharing in rail transport, including obligations on data sharing and re-linking. This includes timetables, connection times, station accessibility, tariffs, condition of carriage, as well as real-time and forecast train traffic data. For rail, those datasets are required to be comprehensive, regularly updated by railway undertakings and accessible at least via national access points and can also be used for distribution purposes. When data remains incomplete and fragmented, this complicates the formation of single tickets, notably for journeys across borders. A single entry point for consulting data across all 27 national access points would simplify access to relevant data in the whole EU and promote the provision of trans-European rail services.

(12) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to set out detailed requirements for the harmonised interpretation of fair and non-discriminatory contract conditions between railway service providers and online ticketing service providers. Implementing powers should also be conferred on the Commission to allow it to designate railway undertakings having significant market presence and remove them from the list. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[8].

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6 Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44, ELI: http://data.europa.eu/eli/dir/2016/797/oj).

7 Commission Implementing Regulation (EU) 2026/253 of 6 February 2026 on a technical specification relating to the telematics subsystem of the rail system in the European Union for interoperability of data sharing in rail transport ('TEL TSI') and repealing Regulations (EU) No 454/2011 ('TAP TSI') and (EU) No 1305/2014 ('TAF TSI')(OJ L 2026/253, 10.2.2026, ELI: http://data.europa.eu/eli/reg_impl/2026/253/oj).

8 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).

(13) Since the objectives of this Regulation, which include the promotion of cross-border rail-travel offering as a sustainable way of mobility and the subsequent need for rules that uniformly apply to cross-border tickets, cannot be sufficiently achieved by the Member States, but can rather, by reason of the cross-border aspects of online ticketing services, be better achieved at Union level, 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 those objectives.

(14) Regulation (EU) 2022/2065 of the European Parliament and of the Council[9] lays down fully harmonised horizontal rules on the provision of intermediary services, including online platforms and online search engines, in the Union. This Regulation should not amend or in any way alter the scope of that Regulation.

(15) To the extent railway services providers, online ticketing service providers and indispensable railway online ticketing service providers need to exchange personal data to provide display, re-linking, reselling or distribution of rail products, such exchange should be in line with Regulation (EU) 2016/679 of the European Parliament and of the Council[10]. Where those parties agree to implement specific cybersecurity measures as part of the contractual conditions, such measures should also ensure a level of security appropriate to the risk to personal data protection.

(16) The obligations imposed on railway service providers and certain online ticketing service providers under this Regulation should be without prejudice to Articles 101 and 102 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.

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[9] 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).

[10] 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/oj).

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the obligations of railway service providers and of certain online ticketing service providers regarding the provision of railway service's information and the conclusion of commercial agreements for the display, re-linking, resale or distribution of rail products.

Article 2

Scope

1. This Regulation applies to:

   (a) railway service providers;

   (b) online ticketing service providers.

   It applies to railway services partly or fully operated in the Union.

2. This Regulation is without prejudice to the application of Regulation (EU) XX [RMB][11] and other Union legal acts regulating other aspects of the provision of information society services.

3. This Regulation is without prejudice to the application of Articles 101 and 102 of the Treaty on the Functioning of the European Union and to the application of national competition rules.

4. This Regulation does not apply to:

   (a) metro and tram services;

   (b) railway services which are operated for strictly historical reasons or touristic use that do not usually serve normal transport needs;

[11] Regulation (EU) XX on multimodal booking.

(c) railway services on standalone networks intended only for the operation of urban or suburban railway services;

(d) online search engines, as defined in Article 2, point (5), of Regulation (EU) 2019/1150 of the European Parliament and of the Council[40].

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'railway undertaking' means a railway undertaking as defined in Article 3, point (1), of Directive 2012/34/EU of the European Parliament and of the Council[12];

(2) 'ticket' means a ticket as defined in Article 3, point (7), of Regulation (EU) 2021/782 of the European Parliament and of the Council[13];

(3) 'online ticketing service' means an information society service consisting, in addition to displaying, in re-linking, reselling or distributing rail products, in either a business-to-consumer (B2C) or a business-to-business (B2B) relationship;

(4) 'railway service provider' means a railway undertaking, a competent authority responsible for a public service railway contract or any other legal entity operating or organising rail passenger services;

(5) 're-linking' means the redirection of an end user to the relevant online ticketing service where the availability of one or more displayed rail products can be checked and the rail products selected by the end user can be purchased;

(6) 'reselling' means a service, associated to one or more rail products, provided by a retailer as defined in Article 3, point (42), of Implementing Regulation (EU) 2026/253;

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12 Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32, ELI: http://data.europa.eu/eli/dir/2012/34/oj).

13 Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ L 172, 17.5.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/782/oj).

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(7) ‘distributing’ means a service, associated to one or more rail products, provided by a distributor as defined in Article 3, point (38), of Implementing Regulation (EU) 2026/253;

(8) ‘commercial agreement’ means a written agreement between a railway service provider and an online ticketing service provider on the display, re-linking, resale or distribution of rail products;

(9) ‘look-to-book ratio’ means the ratio between the number of requests related to the sale of tickets (‘look’) made to a railway service provider’s online ticketing service and the number of actual sales (‘book’) made during a given period of time;

(10) ‘rail product’ means rail product as defined in Article 3, point (4), of Implementing Regulation (EU) 2026/253;

(11) ‘reservation’ means a reservation as defined in Article 3, point (8), of Regulation (EU) 2021/782;

(12) ‘vertically integrated’ means the organisational, financial and administrative integration of the entities concerned under conditions that allow one of them to control the other directly or indirectly within the meaning of Article 3 of Council Regulation (EC) No 139/2004[14];

(13) ‘single ticket’ means a single ticket as defined in Article 3, point (9a), of Regulation (EU) 2021/782;

(14) ‘content’ means all rail products, as well as associated discounts and functionalities, including real-time data, that relate to the railway passenger services of a railway service provider which are available on the railway service provider’s own online interface or on any other digital channel in agreement with the railway service provider;

(15) ‘online interface’ means an online interface as defined in Article 3, point (m), of Regulation (EU) 2022/2065.

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[14] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/139/oj).

Article 4

Obligation to provide content to online ticketing service providers (sharing obligation)

1. A railway service provider shall conclude a commercial agreement with a requesting online ticketing service provider for the purpose of providing content for the display, re-linking, resale or distribution of its rail products.

   The obligation referred to in the first subparagraph shall not cover tickets that allow their holders to travel on multiple transport modes, provided that tickets for the relevant railway service are made available and can be purchased as a stand-alone rail product.

   A railway service provider shall enter into negotiations for the conclusion of the agreement referred to in the first subparagraph within two months of receiving the request of the online ticketing service provider. Unless otherwise agreed between the parties, the agreement shall be concluded within eight months from receiving the request, without prejudice for the complaint and dispute resolution mechanism referred to in Article 11(5).

2. Subject to any decision pursuant to Article 11(5), paragraph 1 of this Article shall not apply where the requesting online ticketing service provider refuses to comply with the conditions required by the railway service provider in accordance with Article 6(2).

2a. This Article shall not apply to railway service providers which are small or medium-sized enterprises as defined in Article 2 of the Annex to Commission Recommendation 2003/361/EC[15]

[15] 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 5

Obligation for indispensable railway online ticketing service providers to host rail products (hosting obligation)

1. An online ticketing service provider shall be deemed an 'indispensable railway online ticketing service provider' if it is vertically integrated with a railway undertaking that is designated under Article 7 as having a significant market presence in a Member State. The obligations laid down in paragraphs 2 and 4 shall apply only in respect of that Member State.

2. An indispensable railway online ticketing service provider shall conclude a commercial agreement with a requesting railway service provider for the purpose of displaying, re-linking, reselling or distributing the rail products of that provider for rail passenger services that are operated, or have their origin or destination, in the Member State in which the railway undertaking that is vertically integrated with the online ticketing service provider has significant railway market presence within the meaning of Article 7.

   An indispensable railway online ticketing service provider shall enter into negotiations for the conclusion of the agreement referred to in the first subparagraph within two months of receiving the request of the railway service provider. Unless otherwise agreed between the parties, the agreement shall be concluded within eight months from receiving the request.

3. Subject to any decision pursuant to Article 11(5), paragraph 2, of this Article shall not apply where the requesting railway service provider refuses to comply with the conditions required by the indispensable railway online ticketing service provider in accordance with Article 6(4).

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4. Independently of any request, and not later than [Publications Office, please insert the date 12 months of the entering into force of this Regulation], an indispensable railway online ticketing service provider shall display and include in relevant search results, all available railway services that are operated or have their origin or destination, in the Member State in which the railway undertaking that is vertically integrated with the online ticketing service provider has significant railway market presence within the meaning of Article 7 of this Regulation. The schedule of available services shall be provided on the basis of the information available through the national access points established by Delegated Regulation (EU) 2017/1926. No obligation shall arise for indispensable railway online ticketing service providers to display any information that is not available through those national access points.

Article 6

Fair, reasonable and non-discriminatory conditions

1. Railway service providers entering into commercial agreements pursuant to Article 4(1) shall:

   (a) not attach any conditions which are not fair, reasonable and non-discriminatory to the commercial agreement or require the acceptance of any supplementary conditions that are not necessary for the display, re-linking, resale, or distribution of their rail products;

   (b) upon request, make all content related to their rail products available to the online ticketing service provider, including those subject to availability, reservations or yielded prices within the meaning of Article 3, point (45), of Implementing Regulation (EU) 2026/253, where the obligation to provide yielded prices does not extend to yielding rules, algorithms, revenue management parameters or commercially sensitive pricing methodologies;

   (c) supply to the online ticketing service provider all the real time data for the related railway passenger services which those railway service providers make available to consumers through any of their own online interfaces, digital ticketing channels or communication channels;

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(d) ensure that all data, including content, provided in the context of the implementation of the commercial agreement is accurate, complete and up-to-date;

(e) allow the online ticketing service provider to combine any rail products, including those of different railway service providers, provided minimum connection times laid down in accordance with Article 15 of Implementing Regulation (EU) 2026/253 are applied;

(f) allow the online ticketing service provider, when it combines rail products, to sell that combination as a single ticket;

(g) ensure, where it is agreed that remuneration shall be applied, that such remuneration is fair, reasonable and non-discriminatory;

(h) ensure that requirements on look-to-book ratios are fair, reasonable and non-discriminatory, and in particular that, where relevant, those requirements are at least the same as those agreed with their own, vertically integrated, online ticketing service provider;

(i) not engage in any behaviour that undermines effective compliance with the obligations laid down in points (a) to (h) regardless of whether that behaviour is of a contractual, commercial or technical nature, or of any other nature.

2. Railway service providers may require online ticketing service providers entering into commercial agreements pursuant to Article 4(1) to accept reasonable conditions, including the following:

(a) transmission of data related to queries and transactions taking place on the online ticketing service;

(b) compliance with minimal technical capabilities in accordance with Articles 4, 6, 7, 9, 10, 11, 13, 14, 15 and 18 of Implementing Regulation (EU) 2026/253 and the Annex thereto;

(c) demonstrating financial stability and solvency, including compliance with applicable accounting regulations, and demonstration of sufficient financial resources to fulfil obligations under the commercial agreement;

(d) providing business continuity plans;

(e) the implementation and maintenance of cybersecurity measures to protect against unauthorised access, data breaches and other cyber-threats;

(f) requiring guarantees that harmful or indecent advertising content will not be displayed alongside their rail products;

(g) the timeliness of data exchange and payments.

Reasonable one-off costs incurred for the connection to the respective operational systems of the railway service provider shall be borne by the requesting online ticketing service provider.

3. An indispensable railway online ticketing service provider entering into a commercial agreement pursuant to Article 5 shall:

(a) not attach any conditions which are not fair, reasonable and non-discriminatory to the commercial agreement or require the acceptance of any supplementary conditions that are not necessary for the display, re-linking, reselling or distribution of rail products;

(b) ensure that all data, including content, provided in the context of the implementation of the commercial agreement is accurate, complete and up-to-date;

(c) ensure that remuneration levels are based on fair, reasonable and non-discriminatory criteria;

(d) agree to requirements on look-to-book ratios that are fair, reasonable and non-discriminatory;

(e) where relevant, ensure the protection and appropriate handling of the following:

(i) personal data in accordance with Regulation (EU) 2016/679;

(ii) sensitive commercial data;

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(f) not engage in any behaviour that undermines effective compliance with the obligations laid down in points (a) to (e) regardless of whether that behaviour is of a contractual, commercial or technical nature, or of any other nature.

4. Indispensable railway online ticketing service providers may require railway service providers entering into commercial agreements pursuant to Article 5 to accept reasonable operational and technical conditions, including the following:

(a) compliance with minimal technical capabilities in accordance with Article 7, 10, 11 and 14 of Implementing Regulation (EU) 2026/253 and the Annex thereto;

(b) the implementation and maintenance of cybersecurity measures to protect against unauthorised access, data breaches and other cyber threats;

(c) where relevant, ensure the protection and appropriate handling of the following:

(i) personal data in line with Regulation (EU) 2016/679;

(ii) sensitive commercial data;

(d) the timeliness of data exchange and payments.

5. The Commission may lay down, by means of implementing acts, detailed provisions for the harmonised interpretation of fair, reasonable and non-discriminatory conditions in commercial agreements between railway service providers and online ticketing service providers concluded pursuant to Articles 4 and 5. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 13(2).

Article 7

Railway undertakings with significant market presence

1. A railway undertaking shall be designated as having significant railway market presence in a given Member State where it provides 50 per cent or more of the rail passenger services in that Member State, expressed in passenger kilometres.

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2. The market presence referred to in paragraph 1 of this Article shall be determined on the basis of data provided by Member States to the Commission pursuant to Commission Implementing Regulation (EU) 2015/1100[16].

3. The Commission shall adopt a decision designating a railway undertaking as having significant railway market presence pursuant to paragraph 1 of this Article by means of implementing acts, within six months of receiving the data referred to in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 13(2). The Commission shall, without undue delay, publish and keep up to date a list of railway undertakings having significant railway market presence on a dedicated website.

4. If the circumstances that led to the designation of a railway undertaking have changed such that the railway undertaking has had a railway passenger market share of less than 50 per cent in the Member State to which the designation relates over an uninterrupted period of one year, the railway undertaking may ask the Commission to terminate its designation as a railway undertaking having significant market presence in that Member State and remove it from the list referred to in paragraph 3 of this Article. The Commission shall assess that request on the basis of the latest available data referred to in paragraph 2 of this Article and, where the request has been assessed as well-founded, shall adopt an implementing act terminating the designation of that railway undertaking as having significant market presence and removing it from the list. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 13(2).

Article 8

Booking horizon

Railway service providers shall make tickets for a railway service available for sale at least five months before the operation of that railway service, provided it has been included in the working timetable as defined in Article 5, point (14) of [Regulation on the use of rail infrastructure capacity].

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16 Commission Implementing Regulation (EU) 2015/1100 of 7 July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring (OJ L 181, 9.7.2015, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2015/1100/oj).

This requirement shall not limit the ability of the railway service provider to vary its fares or add new services to the working timetable over time. Tickets for added services shall be made available without delay after the inclusion in the working timetable.

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Article 9

National enforcement bodies

1. Member States shall designate the regulatory body referred to in Article 55 of Directive 2012/34/EU as the national enforcement body under this Regulation.

   Member States to which Article 55 of Directive 2012/34/EU does not apply shall designate as the national enforcement body the enforcement body they designated for Regulation [RMB].

2. The national enforcement body of the Member State in which a railway service provider is established shall have the power to enforce this Regulation in relation to that railway service provider.

3. The national enforcement body of the Member State in which an online ticketing service provider is established shall have the power to enforce this Regulation in relation to that online ticketing service provider.

4. Where an online ticketing service provider does not have establishment in the Union, the national enforcement bodies of all Member States shall have the power to enforce this Regulation in relation to that online ticketing service provider.

Article 10

Tasks and competences of national enforcement bodies

1. Member States shall ensure that the tasks and responsibilities of the national enforcement body are clearly defined and cover at least the following:

   (a) monitoring compliance with this Regulation and taking measures to ensure its correct implementation;

   (b) handling complaints of alleged breaches of this Regulation, in accordance with Article 11;

(c) acting on their own initiative to ensure compliance with this Regulation;

(d) imposing penalties laid down in accordance with Article 12, where the national enforcement body establishes that the provisions of this Regulation have been breached;

(e) cooperating with national enforcement bodies of other Member States and with the Commission to ensure the coherent enforcement of this Regulation.

2. For the purposes of paragraph 1, railway service providers, online ticketing service providers and any other entity where relevant shall provide the competent national enforcement body with relevant documents and information at their request without undue delay and, at the latest, within one month from the receipt of the request. In complex cases, the national enforcement body may, when requested, extend that period to a maximum of three months from the receipt of the request.

3. A decision of the national enforcement body shall be binding on all parties covered by that decision. It shall not be subject to the control of another administrative instance. The national enforcement body shall be able to enforce its decisions with the appropriate penalties.

4. Member States shall ensure that decisions taken by the national enforcement body are subject to judicial review. The appeal may have suspensive effect on the decision of the national enforcement body only when the immediate effect of the national enforcement body's decision may cause irretrievable or manifestly excessive damages for the appellant. This provision is without prejudice to the powers of the court hearing the appeal as conferred by constitutional law, where applicable.

5. Member States shall ensure that decisions taken by the national enforcement bodies are published.

PUBLIC

6. National enforcement bodies shall cooperate 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 while duly respecting the confidentiality of commercially sensitive data. The national enforcement bodies shall cooperate within the network of regulatory bodies referred to in Article 57(1) of Directive 2012/34/EU, through joint consultations and investigations, by adopting opinions or recommendations, or through other relevant activities. Where a national enforcement body is designated pursuant to Article 9(1), second subparagraph, of this Regulation, that body shall be invited to join the network for the purposes of this Regulation.

7. By [30 June 2030], and every two years thereafter, the national enforcement bodies shall publish reports with statistics on their activity under this Regulation, including on penalties applied. Those reports shall be made publicly available on their websites.

Article 11

Complaints

1. Online ticketing service providers 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.

2. Railway service providers shall have the right to lodge complaints alleging a breach of this Regulation with the national enforcement body of the Member State in which they are established.

3. An online ticketing service provider that is not established in the Union 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 party allegedly committing the infringement is established or in whose territory the railway services concerned, or a part of those services, were provided.

4. The national enforcement body that receives a complaint pursuant to paragraphs 1, 2 and 3 of this Article shall assess the complaint. Where appropriate, it shall transmit it without delay to the competent national enforcement body in accordance with Article 9.

5. The competent national enforcement body shall handle complaints within a reasonable time. Where the complaint concerns failure to conclude a commercial agreement referred to in Article 4(1) and Article 5(2) within the time period laid down in these provisions, the national enforcement body shall issue a decision within six months of receiving the complaint, establishing whether the obligations under this Regulation have been complied with and, where required, setting out the relevant terms of the agreement to be concluded, in accordance with the conditions referred to in Article 6.

6. 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.

7. The national enforcement body of the Member State where the online ticketing service provider is established and the national enforcement body of the Member State in which the rail service concerned, or part thereof, takes place, shall cooperate in accordance with Article 10(6).

8. National enforcement bodies shall provide information on the existence of a complaint to the national enforcement bodies of the Member States:

   (a) in which the online ticketing service provider that is subject to the complaint is established;

   (b) in which the railway undertaking that is subject to the complaint is established;

   (c) in whose territory the transport services were provided.

   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 that information into account before taking a decision.

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Article 12

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented and enforced. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory.

2. Member States shall notify those rules and measures to the Commission by [date of application of the Regulation] and shall notify the Commission without delay of any amendments to them.

Article 13

Committee procedure

1. The Commission shall be assisted by the Single European Rail Area Committee (SERAC) established by Article 62(1) of Directive 2012/34/EU. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 14

Report

By [Publications Office: please insert the date 5 years after the date of application of the Regulation], the Commission shall carry out an evaluation of this Regulation and submit a report to the European Parliament and the Council on its main findings related to its implementation.

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Article 15

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from [12 months after entering into force].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

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