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From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
Subject:	Passenger Package questions from Belgium– Intermodal WP 09.07.2026

Delegations will find attached the written questions from **Belgium** on the above subject.

BE MoT - Clarification Questions – WP intermodal (9 & 16/07/2026)

Regulation on Rail Ticketing (SDBTR) – COM(2026) 232

Expert : [redacted] ([redacted])

Article 2 – Scope

- Are the exclusions under §4 (metro/tram, historical/touristic services, standalone urban/suburban networks, search engines) cumulative, or should they be read strictly? How should an operator be treated if it runs both excluded and covered services?
- The "partly" criterion for coverage remains vague: above what threshold is a service deemed to fall within scope?

Article 3 – Definitions

- Does the definition of "online ticketing service" (information society service for display + re-linking/reselling/distributing) cover comparators that merely redirect without ever hosting the transaction? Where is the line with the search-engine exclusion under Art. 2 §4(d)?
- Regarding the "look-to-book ratio" (def. 9): what standardised calculation method and reference period are envisaged? This directly conditions the application of Art. 6 §1(h).
- Does the notion of "content" (def. 14, including real-time data) include availability data in case of disruption, or only nominal fare offers?

Article 4 – Sharing obligation (RSP → OTSP)

- §1, second subparagraph: the exclusion for "multimodal tickets" — how should this exclusion be reconciled with the obligation under Art. 6 §1(e)/(f) to allow combination of products from different operators into a single ticket? Is there a risk of circumvention (an operator systematically labelling offers as "multimodal" to escape the obligation)?

Article 5 – Hosting obligation (indispensable OTSP → RSP)

- §1: the term "vertically integrated" may not accurately capture what the provision is meant to address. Could the Commission clarify whether an RU's multiple apps are all covered where the RU operates several apps — or whether compliance by just one of that RU's apps would be sufficient under the current wording?
- §4: does the proactive display obligation covering all competing services also require enabling "sale" of tickets or display of pricing, or is it limited to showing timetables and service characteristics?

Article 6 – FRAND conditions

- §1(b): does the obligation to provide "all content, including yielded prices and reservation-linked products" mean real-time access to the operator's pricing algorithm, or only to the resulting output (displayed price)?
- How does this Regulation articulate clearly with the proposed revision of the rail passenger rights Regulation, notably regarding liability for missed connections on a single ticket combining products from different operators? Are the two texts fully consistent with one another?

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- §1(h): the FRAND look-to-book ratio must be "at least equivalent to that applied to other channels" — how can this be objectively compared between an operator's own sales channel and a third-party channel with a structurally different business model?
- §2(a-g) and §4(a-d): are these lists of what an RSP/indispensable OTSP "may require" exhaustive (numerus clausus) or merely indicative?

Article 7 – Railway undertakings with significant market presence

- Is the 50% passenger-km threshold assessed at Member State level or per line/market segment? Could an incumbent operator below 50% nationally but dominant on a specific line entirely escape designation?

Articles 9-11 – National enforcement bodies, tasks, complaints

- Art. 9 §2-4: where an OTSP is not established in the EU, the text provides that "all Member States have jurisdiction" — does this not create a risk of forum shopping or conflicting decisions between NEBs of different Member States regarding the same OTSP?
- Art. 10 §3: NEB decisions are "binding, not subject to administrative review" — what is the sole avenue of redress (judicial only), and within what timeframe?
- Art. 11 §5: if no agreement is reached within 8 months, the NEB sets the terms within 6 months — on what legal basis and with what margin of discretion can the NEB substitute itself for the parties in setting commercial (including tariff) conditions?
- Art. 11 §7-8: in case of overlapping jurisdiction (NEB of the OTSP's place of establishment + NEB of the place where the service is provided), what is the priority rule in case of disagreement between the two bodies?

Article 12 – Penalties

- The text leaves it to Member States to set penalties (effective, proportionate, dissuasive, non-discriminatory). Could the Commission clarify whether it has considered — or would be open to considering — a minimum degree of harmonisation to help avoid unintended distortions of competition between Member States?

Regulation on Multimodal Booking (MDMS) – repealing Regulation (EC) No 80/2009

Expert : [redacted] & [redacted] ([redacted] & [redacted])

I. Questions based on an article-by-article analysis

Article 1 – Subject matter

- Regarding consistency, Article 1 claims to ensure a level playing field among MDMS providers, business users and transport operators. However, these actors occupy fundamentally different positions in the value chain. A "level playing field" is normally discussed among competitors within the same market. Applying the concept simultaneously to platforms, operators, and business users could create conceptual ambiguity about whose competitive conditions are being equalised. Could you clarify this point?

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- Does "facilitate multimodal and multi-operator passenger mobility" require actual booking functionality, or is re-linking sufficient?
- Is the Regulation intended primarily as a competition instrument, a transport-market instrument, or a consumer-information instrument? Several provisions appear to pursue all three objectives simultaneously.
- What is the precise boundary between a "multimodal digital mobility service" covered by this Regulation and other online intermediation services already regulated under the Digital Services Act and Platform-to-Business Regulation?

Possible overlaps: Potential overlap with the Digital Services Act (DSA), Digital Markets Act (DMA), and Regulation (EU) 2019/1150 (P2B Regulation), because the proposal regulates ranking, transparency, and business-user treatment. The exact division of competences should be clarified.

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Article 2 – Scope

- How should "principal purpose" of an urban or suburban transport service be determined?
- How will mixed services (e.g. regional rail linking metropolitan and long-distance markets) be classified?
- If a provider offers both urban and long-distance services, is the Regulation applicable only to part of the platform?
- Why are all SME MDMS providers excluded, regardless of market effects?
- Does the SME exemption continue where an SME belongs to a larger corporate group?
- Is there a risk that the SME exemption incentivise artificial corporate structuring? How to prevent it?
- Are regional transport operators intended to fall under the Regulation, and how should they be classified in practice (B2C MDMS, B2B MDMS, or SME-exempt entities)?
- If regional operators qualify as SMEs, are they effectively excluded even when they perform MDMS-like functions or have commercial arrangements with MDMS providers?
- Why should a provider with substantial influence in a niche market be exempt merely because it qualifies as an SME?
- How will authorities determine whether a non-EU B2B MDMS offers transport products to business users in the Union?
- What constitutes an "information society service" for the purposes of hybrid travel-distribution models?

Regarding the relation between the multimodal proposition and the future Rail Ticketing Regulation (RTR):

- Where obligations overlap, which legal act prevails? (three overlaps most likely to create legal uncertainty: governance of the display and ranking of rail offers, rules governing access to railway ticket distribution systems and data-sharing regime to apply)
- Can the same entity simultaneously be subject to conflicting ranking obligations under both instruments?
- Are data-sharing obligations cumulative?

Possible conflict / overlap: Interaction with the proposed Rail Ticketing Regulation ("RTR") remains unclear because Article 2(5) merely states that the Regulation is "without prejudice" to RTR. More detailed allocation of obligations may be necessary.

Article 3 – Definitions

Definition of B2C MDMS

- Definition of a B2C MDMS in Article 3(2) is not entirely clear. The definition is "an information society service" which: (a) provides end users with traffic and travel information; and (b) distributes online transport products or relinks transport products from two or more transport operators in the same mode. Number of interpretative issues hidden in that wording. Most important questions: Why does the definition of a B2C MDMS require transport operators to be "in the same mode" in a regulation intended to facilitate multimodal mobility? What precisely distinguishes a B2C MDMS from a travel metasearch engine, a booking intermediary, a mobility platform, and an online search engine?
- Must a service satisfy both Article 3(2)(a) and Article 3(2)(b) cumulatively, or is either condition sufficient? This matters because many platforms provide information but do not distribute or relink transport products.
- What exactly is meant by "relinks transport products"? The definition of "re-linking" in Article 3(13) is "the redirection of an end user to relevant online mobility websites or applications where availability can be checked and transport products purchased." Does any hyperlink qualify as re-linking? Does "re-linking" alone suffice for classification as an MDMS? Does a price-comparison website qualify? Does a search engine specialising in travel qualify? Does an app that redirects users to a railway operator's website qualify? Are metasearch engines covered if they re-link but never conclude a booking? The scope of the Regulation changes depending on the answer.
- Why only "the same mode"? This is the biggest conceptual issue. The Regulation is presented as a regulation on multimodal booking. Yet the B2C MDMS definition covers transport products "from two or more transport operators in the same mode". Why does a regulation on multimodal mobility define a B2C MDMS by reference to operators in the same transport mode? Is an air–rail platform covered? Is a rail–coach platform covered? Is a rail–ferry platform covered?
- What happens if only one operator is present? The definition requires two or more transport operators. Is a platform displaying only one railway undertaking outside the Regulation? Is a platform displaying one airline and one rail operator covered? Must the operators belong to the same mode or merely be multiple operators?
- What is the relationship with online search engines? Article 2(2) excludes online search engines. However, the distinction is not obvious. How should authorities distinguish between a travel metasearch service and an online search engine? At what point does a search service become a B2C MDMS? Is the distinction based on the existence of booking functionality, re-linking functionality, or something else?
- What does "distributes online transport products" mean? The proposal never defines "distribute". Does distribution require ticket issuance? Does distribution require reservation functionality? Is merely displaying an offer sufficient? Does an API-based intermediary distribute transport products?
- Code-share and interlining rules: the proposal states that "any transport product offered under a code-share or interlining arrangement is considered a product of the marketing operator only." Why is only the marketing operator taken into account? How should

multimodal interlining products be treated? Does this affect market-share calculations under Article 4?

- What is the minimum level of functionality? Is a service covered if it only displays schedules? Is fare comparison sufficient? Must users be able to proceed to a purchase? Must the service support booking?
- The recitals repeatedly speak about multimodal mobility services, yet the legal definition seems focused on distribution services involving multiple operators in the same mode. Does Article 3(2) accurately reflect the policy objective stated in Article 1, or should the definition expressly cover combinations of transport operators across different modes? Does the definition unintentionally exclude certain genuinely multimodal operators?

Definition of B2B MDMS

- Does the definition cover modern NDC-based airline distribution systems?
- Does it cover corporate booking tools?

Definition of transport service

- Why are on-demand services excluded?
- Are demand-responsive public transport services covered?

Definition of transport product

- What distinguishes a "transport product" from a ticket?

Definition of transport operator

- Does the definition cover mobility integrators that do not themselves operate transport?

Definition of business user

- Are travel management companies automatically included?

Definition of remuneration

- Does remuneration include advertising payments, incentive payments, commissions, rebates, data-sharing arrangements or non-monetary consideration?

The proposal regulates booking but does not define booking

- What constitutes a booking? What constitutes a reservation? What is a booking platform? Is re-linking a booking activity? Is reservation without payment a booking? Is ticket issuance necessary?

Regarding final prices

- How is "final price" defined and how is consistency of price display ensured across all stages of the booking funnel, including optional supplements and dynamic pricing?

Article 4 – Designation of B2C MDMS providers with significant market presence

- Why are ticket volume and ticket value the sole designation criteria?
- Why are user numbers, website traffic, market power indicators, or network effects not included?
- How should tickets sold through affiliates be counted?
- What methodology will be used to determine the value of tickets sold?

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- What constitutes a provider's "establishment"?
- Why does termination require one full year below thresholds?
- What happens if a provider fluctuates around the threshold?
- How often does the Commission expect to amend Annex I thresholds?
- Why was a quantitative threshold model preferred over a competition-law market-power assessment?
- Is the designation of "significant market presence" assessed per transport mode separately, per Member State, or at EU-wide level, and how are cross-border platforms treated?

Possible overlap: Significant market presence resembles concepts used under the DMA, yet the proposal creates a separate designation system. The relationship between both systems should be clarified.

Article 5 – Conditions for commercial agreements

- What constitutes "commercially sensitive data"?
- What technical safeguards are sufficient to satisfy Article 5(2)(a)?
- What is an "unfair condition"?
- What is an "unnecessary" supplementary condition?
- How should "fair, reasonable and non-discriminatory" (FRAND-type) remuneration be assessed?
- Is there a burden of proof on the MDMS provider or the transport operator?
- Can differential remuneration ever be justified?
- What remedies are available if remuneration is found not to be FRAND?
- What exactly constitutes "vertical integration" for Article 5(2)(a)?
- How will Article 5 interact with competition-law assessments under Articles 101 and 102 TFEU?

Possible overlap: Strong overlap with competition law and potentially with the DMA's fairness obligations. The FRAND concept is used without a detailed methodology, unlike in some telecommunications and digital-market legislation.

Article 6 – Conditions for agreements between B2B MDMS providers and business users

- What constitutes an "unfair or unjustified condition"?
- Is there a test equivalent to unfair contract terms?
- What qualifies as "administrative costs directly related to termination"?
- Can providers charge migration or data-export costs?
- Why are special termination rights limited to small enterprises and not medium-sized enterprises?
- To what extent are B2B MDMS providers prohibited from imposing exclusivity or preventing business users from using multiple competing platforms simultaneously (multi-homing)?

Article 7 – Neutral display and ranking criteria

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- What constitutes a "neutral and comprehensive" display?
- Must every available transport product be displayed?
- How is neutrality assessed algorithmically?
- What is meant by "equal care" in data processing?

Algorithmic ranking, discrimination, and ML governance

- Regarding "neutral display", modern digital platforms rely heavily on machine learning, personalization, recommendation systems and behavioural optimisation. Can a personalised ranking system ever satisfy the neutrality requirement?
- Can personalisation coexist with neutrality?
- How is "direct or indirect discrimination" defined in algorithmic ranking systems, and how can compliance be assessed in machine-learning-based or personalised ranking environments?
- How can compliance with neutrality and non-discrimination obligations be effectively assessed and enforced in algorithmic or machine-learning-based ranking systems, given their inherent opacity and dynamic optimisation?

Emissions and sustainability metrics

- Why are GHG emissions and CO2-equivalent emissions listed as separate ranking criteria?
- How are different greenhouse gas emissions metrics (GHG vs CO2-equivalent) to be harmonised and aggregated for ranking purposes across transport modes?

Remaining technical ranking criteria questions

- What happens when emissions data are unavailable for a substantial portion of offers?
- How should accessibility rankings be measured?
- Can providers use commercial relevance or popularity as default ranking criteria?
- What constitutes a valid user request for paid prominence?
- Must users actively opt in to sponsored ranking?
- How should paid prominence operate when multiple operators purchase prominence?
- Why are code-share services permitted to appear twice despite the one-display rule?

Possible overlap: Significant overlap with DSA transparency obligations, DMA self-preferencing rules, P2B ranking-transparency requirements, and Unfair Commercial Practices Directive rules on commercial communications. Clarification is needed to avoid parallel enforcement.

Article 8 – Marketing information data

- What constitutes "marketing, booking or sales data"?
- What level of aggregation is required?
- Who determines whether anonymisation is sufficient?
- Can transport operators request historical datasets?
- How should commercially sensitive market intelligence be protected?
- What enforcement mechanism applies if operators misuse data despite Article 8(2)?

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Possible overlap: Potential overlap with the GDPR and Data Act where datasets may contain commercially sensitive or indirectly identifiable information.

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Article 9 – Emissions information

- Why are MDMS providers required merely to display operator-provided data without any verification obligation?
- How should providers handle inconsistent emissions methodologies?
- What happens where operators fail to provide emissions data?
- What is the exact relationship with CountEmissionsEU?
- What constitutes "accessible" presentation of emissions information?
- How should multimodal journeys with partially missing data be ranked?

Possible overlap: Potential duplication with CountEmissionsEU and related implementing legislation governing emissions disclosure.

Article 10 – Sharing of data with public transport authorities

- At what geographic level must data be supplied?
- How should commercially sensitive information be protected?
- What safeguards prevent authorities from indirectly identifying individual operators' commercial performance?
- Could limiting data-sharing obligations to "data already in possession" incentivise providers to structure data processing in a way that reduces the amount of information legally considered available?

Possible overlap: Potential overlap with the Data Act and existing transport-data-sharing frameworks under the ITS/MMTIS regime.

Article 11 – Equivalent treatment of air carriers in third countries

- What constitutes "equivalent treatment"?
- Must discrimination be systematic or merely isolated?
- Can affected carriers challenge a Commission finding?
- Why is the provision limited to aviation and not other transport modes?

Possible conflict: Possible interaction with EU external aviation agreements and WTO obligations should be clarified.

Article 12 – National enforcement bodies

- What is meant by a provider's "main establishment"?
- How is competence determined when several establishments exist?
- How is forum shopping avoided?

Possible overlap: Enforcement architecture may overlap with authorities already enforcing the DSA, DMA, competition law, rail regulation and consumer law.

Article 13 – Tasks of national enforcement bodies

- Are authorities empowered to order interim measures?
- What confidentiality protections apply to exchanged information?

Article 14 – Complaints

- What procedural requirements apply to complaints?
- How is "same subject between the same parties" interpreted?
- What relationship exists between administrative complaints and court proceedings?
- Can consumer organisations or associations lodge complaints?
- Can anonymous complaints be submitted?

Article 15 – Penalties

- Are administrative fines required?
- What criteria should determine penalty amounts?
- Are recurring penalty payments permitted?
- What procedural safeguards apply?

Possible issue: A broad penalty obligation without harmonised criteria may lead to divergent national enforcement approaches.

Article 16 – Delegation of power

- Why is delegated power limited to Annex I thresholds?

Article 18 – Review and report

- What indicators will be used to assess effectiveness?
- Will the review assess interaction with the Rail Ticketing Regulation, DSA, DMA, Data Act and CountEmissionsEU?
- Will the Commission evaluate whether SME exclusions remain justified?

Article 19 – Repeal

- Which provisions of Regulation (EC) No 80/2009 are intended to survive through incorporation into the new Regulation?
- Does Annex II provide a complete legal mapping of all repealed provisions?
- Are any rights acquired under Regulation (EC) No 80/2009 preserved?

Possible issue: Transitional arrangements appear limited and may benefit from further clarification.

Article 20 – Entry into force

- How many months after entry into force does the Commission intend to set as the application date?
- Is the implementation period sufficient for designation procedures, compliance adaptation and enforcement preparation?

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- Will existing contracts need amendment before the application date?

Annex I – Thresholds for significant market presence

- Why were the specific thresholds selected?
- What economic evidence supports them?
- How often will they be reviewed?
- Do they accurately capture market power across all transport modes?
- Could they disadvantage new entrants or create cliff-edge effects?

Annex II – Correlation table

- Does the correlation table fully preserve the substantive effect of retained provisions of Regulation (EC) No 80/2009?
- Are any provisions intentionally omitted, and if so why?

Cross-cutting concern affecting multiple articles

The proposal repeatedly states that it is "without prejudice" to the DSA, DMA, competition law, the proposed Rail Ticketing Regulation, the Data Act and other information-society legislation, but it does not establish a detailed hierarchy of norms or enforcement coordination mechanism. It is an important issue for legislators to clarify during negotiations.

II. Additional questions – Horizontal issues

Not fully resolved through article-by-article provisions and may require clarification at political or interinstitutional level.

1. Platform Role and Regulatory Scope (Systemic Classification)

- To what extent does the cumulative effect of the proposal reclassify Multimodal Digital Mobility Service (MDMS) providers from intermediaries into regulated infrastructure-like actors? In particular, clarification is needed on whether the combined obligations on access conditions, ranking constraints, data sharing, and emissions display imply a structural shift in regulatory approach, and whether this is supported by an explicit proportionality assessment.

2. Data Governance, Access, and Commercial Sensitivity

- Does the proposal establish a coherent framework distinguishing between mandatory data access obligations, protection of trade secrets and commercially sensitive information, and limits on secondary use of shared data? Further clarification is needed on whether the cumulative effect of Articles 8–10 could lead to indirect extraction or reconstruction of commercially sensitive business strategies, and how this risk is mitigated in practice.

3. Market Structure, Threshold Design, and Competitive Reality

- Is the reliance on quantitative thresholds (ticket volume and value) sufficient to capture real-world market power in digital mobility platforms? Clarification is needed on whether the absence of indicators such as network effects, user reach, ecosystem integration, or

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algorithmic control may lead to under-identification of structurally dominant actors, or conversely to over-inclusion of SMEs with significant functional influence.

4. Consistency of FRAND and Fairness Obligations

- How should FRAND-type obligations and broader fairness requirements be interpreted in the absence of a harmonised methodology? In particular, clarification is needed on whether the proposal risks inconsistent application across Member States due to the lack of a defined analytical framework for fair and reasonable remuneration, discrimination in access conditions, and enforcement standards.

5. Sustainability Metrics and Behavioural Effects

- Does the integration of emissions-based criteria into ranking systems sufficiently distinguish between informational transparency and behavioural steering? Clarification is needed on whether reliance on operator-supplied emissions data — without verification requirements — may lead to distortions in multimodal choice architecture, and how consistency across methodologies is ensured in practice.

6. Future-Proofing and Technological Evolution

- Is the regulatory framework sufficiently adaptable to emerging AI-driven mobility intermediaries, particularly those using dynamic ranking optimisation, predictive mobility services, and automated multimodal bundling? Further clarification is needed on whether the current structure remains appropriate in the context of rapidly evolving algorithmic and platform-based transport ecosystems.

Regulation (EU) 2021/782 as regards the protection of passengers with single ticket (PAX)

Expert : [redacted] ([redacted])

Please find below a series of questions regarding the proposal. These questions seek clarification on a number of aspects of the proposed provisions, in particular their rationale, implementation, and potential implications for railway undertakings and passengers.

Questions

- What are the reasons for maintaining both the concepts of a "through-ticket" and a "single ticket" when their definitions appear to overlap significantly?
- What criteria make it possible to clearly distinguish a "single ticket consisting solely of a through-ticket" from other types of single tickets?
- Is it envisaged to clarify these definitions in order to avoid legal uncertainty for operators and passengers?
- Why would the requirements relating to minimum connection times not also apply to through-tickets?
- Has an assessment been carried out of the IT and contractual adaptations that this reform will require of railway undertakings?
- How does this reform comply with the principle of proportionality, given that it transfers to railway undertakings risks that they do not control?

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- How is the extension of the liability regime for railway undertakings justified in situations where the combination of tickets results solely from the initiative of an independent ticket vendor or a tour operator?
- What economic impact assessment has been carried out regarding the consequences of this new liability regime for railway undertakings?
- Is it considered proportionate for a railway undertaking to bear the full range of obligations (re-routing, assistance, reimbursement and compensation) for a journey over which it controls only one segment?

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