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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
Subject:	Passenger Package questions from Spain- Intermodal WP 16.07.2026

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

MINISTERIO
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Y MOVILIDAD SOSTENIBLE

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ES Questions on the Passenger Package ahead of Council WP meeting of 16 July 2026

Regulation on Rail Ticketing – COM(2026) 232

Recitals 2 and 6

- Could the Commission confirm that a comprehensive assessment on the different member states' rail markets has been carried out when claiming that the railway ticketing is not functioning optimally?

- Is it possible that the factual premises underlying Recitals 2 and 6 of this Regulation could be factually disproven when evaluated against the specific national context of a Member State?"

Article 2 – Scope

- Could the Commission clarify the exclusion stated in Article 2(4)(c) and its interaction with Article 2(4)(a)?

- Has the "standalone network" term the same scope as the term referred to in Article 2(1) of Directive 2012/34/EU? If so, has the concept of "regional service" operating on a stand-alone network been deliberately omitted in this Regulation?

- Regarding Article 2 (4)(c) as well, differences between Member States in terms of service models and infrastructure specific features are very likely to come to light, making it difficult to determine whether this Regulation applies to certain commuter and regional services.

  E.g., should the following services be under the scope of Article 2(4)(c) "railway services on standalone networks intended only for the operation of urban or suburban railway services"?

  a) *Cercanías* service on the *C5* line of the *Cercanías Madrid* network, between Móstoles-El Soto and Humanes. This service runs along two different railway lines, as stated in Spanish Law:

     • Line 05-920, between Móstoles-El Soto and Madrid-Villaverde Alto, this railway line being used exclusively by commuter rail services.

     • Line 05-500, between Madrid-Villaverde Alto and Humanes; this railway line being used by both commuter, regional and long-distance services.

b) *Regional* service between Villalba de Guadarrama (*Comunidad de Madrid* region) and Segovia (*Castilla y León* region), running along Line 01-110, this railway line being exclusively used by commuter rail services.

Article 3. Definitions

"Railway service provider"

- Could the Commission confirm that the definitions of "competent authority", "competent local authority" and "internal operator", as set out in Article 2 of Regulation (EC) No 1370/2007 are both included in the definition of "railway service provider"?

- Given that, in the provision of railway public service obligations, there might be situations in which rail transport operators and competent authorities, competent local authorities or internal operators coexist within the same category "railway service provider", to what extent could each of them separately exercise the obligations and powers referred to in this Regulation?

"Re-linking"

- Has the Commission assessed any legal options for preventing so-called 'bait-and-switch' practices, in scenarios where rail service providers using dynamic and yielded pricing schemes may take advantage of the algorithmic scarcity - the product and/or price selected are no longer available- once the re-linking has taken place?

Article 4. Obligation to provide content to online ticketing service providers (sharing obligation)

- Are there, or should there be, any formal requirements regarding how to submit the request for a commercial agreement?

- Could the Commission elaborate on the choice of 8 month-timeframe for concluding a commercial agreement, as not only this Article effectively amounts to both restricting the principle of party autonomy but also interferes with the timeframe for private negotiations?

Article 5. Obligation for indispensable online ticketing services to host rail products (Hosting obligation)

- The explanatory memorandum cites the CRS Code of Conduct for air transport (Regulation (EC) No 80/2009, formerly Regulation (EEC) No 2299/89) as a relevant precedent. However, Article 6(5) of Regulation (EC) No 80/2009 expressly excludes a parent carrier's own website from the neutral-display obligation, which applied only to third-party CRS/GDS platforms — an airline was never required to display its competitors' flights neutrally on its own website. Article 5 of this proposal does the opposite, requiring the dominant railway undertaking's own online ticketing service to host competitors' rail products. Could the Commission explain the reasoning for this

departure from the very precedent it relies on, and whether the different (and more far-reaching) approach was specifically assessed in the impact assessment?

- Has the Commission assessed the potential impact that the difficult-to-detect use of 'bait-and-switch' practices might have, given the re-linking obligation included amongst the obligations set out in this Article?

Article 6. Fair and non-discriminatory conditions

- Are there, or should there be, any formal requirements regarding how to submit the requests referred to in Article 6 (1)(b) and Article 6 (1)(c)?

- According to Article 6 (5), implementing acts may be adopted to interpretate what is to be considered fair and non-discriminatory clauses. Has the Commission evaluated the impact, in terms of legal certainty in commercial transactions, of the lag between the moment in which this Regulation comes into force and, eventually, the adoption of an implementing act in such key aspects of commercial negotiations?

Article 7. Railway undertakings with significant market presence

- Could the Commission explain the reasoning for choosing passenger-kilometres, rather than another quantitative indicator (e.g. revenue-based market share, number of tickets sold, or seats offered), to establish significant market presence? Has the Commission assessed the effects that choosing passenger-kilometres as the indicator has on market configuration in each Member State individually, given that national rail markets differ significantly in the relative weight of commuter, regional and long-distance services? Has the Commission considered adjusting the passenger-kilometres calculation — for example by excluding PSO services, or other elements that could distort the outcome — to avoid such distortive effects?

<u>Regulation amending Regulation (EU) 2021/782 as regards the protection of passengers with single tickets – COM(2026) 233</u>

Article 1 (3) – Article 19 (1) Last subparagraph

- With a view to facilitating the possible (re)introduction of night train services in areas where they do not currently exist, has the Commission assessed the potential disincentive that might result from not exempting these services from the obligations set out in this proposal?

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