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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
Subject:	RTR Compilation of MS submitted questions– Intermodal WP 16.07.2026

Delegations will find attached a compilation of the questions submitted by MS on the above subject.

Intermodal Working Party 16 July 2026

Rail Ticketing Regulation

Order of Questions

PUBLIC

BLOCK A - Subject matter & Scope

Articles 1-2

Article 1-2: Subject Matter and Scope

Q1. 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? (ES)

Q2. 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? (ES)

Q3. What is meant by the wording 'certain online railway ticketing service providers'? Article 3(3) does not contain any further restriction in this regard. However, the use of the term "certain" implies the existence of exceptions. (DE)

Q4. The "partly" criterion for coverage remains vague: above what threshold is a service deemed to fall within scope? (BE)

Q5. Article 2(1) refers to rail services "partially or entirely operated within the Union": what about services where only a portion of the route is located within the Union (e.g., connections to third countries)? Does the regulation apply to the entire route or only to the intra-EU segment? (FR)

Q6. Article 2(2) concerns the coordination of the draft RTR regulation with the draft RMB regulation. Since the RMB text is itself currently under negotiation, how can the consistency of the two texts be ensured if their legislative trajectories diverge (timelines, amendments)? (FR)

Q7. Para. 2 - What exactly is the relationship with the other legal acts mentioned in para 2? Which regulation will prevail in the event of a conflict? The wording 'without prejudice' regularly leads to ambiguities. (DE)

Q8. Para. 3 - See previous question. (DE)

Q9. Recitals (14) and (16): Does the Commission consider that these recitals regarding the relationship between the Digital Services1 Act and Articles 101 (antitrust) and 102 TFEU (abuse of a dominant position) are sufficient to avoid conflicts regarding legal basis or procedure (for

[1] Regulation (EU) 2022/2065 of the European Parliament and of the Council of October 19, 2022, on a Single Market for Digital Services and amending Directive 2000/31/EC.

example, in the event of a parallel complaint filed with a competition authority and a national regulatory body)? (FR)

Q10. 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? (BE)

Q11. Regarding the exclusion of "rail services offered exclusively for historical or tourist purposes" – see Article 2(4)(b) – and "stand-alone networks intended solely for the operation of urban and suburban services" – see Article 2(4)(c): what specific criteria are used to classify a service as such? (FR)

Q12. Could the Commission clarify the exclusion stated in Article 2(4)(c) and its interaction with Article 2(4)(a)? (ES)

Q13. 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? (ES)

Q14. 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. (ES)

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.* (ES)

Q15. Could the Commission clarify whether the notion of "online ticket service provider" is limited to operators selling tickets through websites and e-commerce platforms, or whether it also covers travel agencies selling rail tickets through offline channels, intranet systems, or dedicated portals made available by railway service providers? In particular, clarification would be appreciated regarding the treatment of sales carried out through dedicated agency platforms and professional distribution systems. (IT)

Q16. Article 2(4)(d) excludes search engines from the scope of application; what is the rationale behind this exemption? (FR)

Q17. Could the Commission clarify to what extent the Regulation also applies to purely domestic rail services, given that the main objective of the proposal is to improve access to

tickets for cross-border rail journeys and journeys involving more than one railway undertaking? (DK)

Q18. Would it not be appropriate to treat the sale of tickets covered by a public service contract and the discounts specified in the law separately from the sale of market-based tickets? Would it not be an unnecessary administrative burden to impose the same requirements on public services provided exclusively by a single railway undertaking as on competitive, multi-player services? (HU)

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BLOCK B – Definitions

Article 3

Article 3: Definitions

Q19. 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)? (BE)

Q20. Definitions (3) for "online ticketing service" and on "automatic redirection": according to the French authorities' interpretation, any website that redirects users to another sales platform would be considered an online ticketing service. Isn't this definition too broad, since it risks including various entities that are not ticketing services (blogs promoting rail travel, travel agencies that do not sell tickets, websites providing practical information on public transportation, etc.) and thus discouraging them from mentioning and promoting rail travel options? (FR)

Q21. Could the Commission clarify whether the definition of "online ticket service provider" covers travel agencies acting as intermediaries in the sale of rail tickets? In this regard, it would be helpful to explain how this concept relates to the definitions of "retailer" and "distributor" set out in Article 3(6) and (7). (IT)

Q22. Article 3(3): Why did the Commission choose to introduce a new term instead of sticking to the established term of "ticket vendor"? (DE)

Q23. Article 3(4): Are the terms 'railway service provider' also to be understood as referring to territorial entities (e. g. the German Länder)? (DE)

Q24. 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"? (ES)

Q25. 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? (ES)

Q26. Definition (8) of “commercial agreement”: the definition specifies that the agreement must be concluded between the rail service provider and the online ticketing service. Is the existence of a public or private entity authorized by several rail service providers (for example public authorities) to jointly conclude the commercial agreements provided for in Article 6 compatible with this legal framework? (FR)

Q27. 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). (BE)

Q28. Definition (9) of “conversion rate”: Who controls the method of calculation if it can be set differently by each essential service provider? (FR)

Q29. Does the notion of "content" (def. 14, including real-time data) include availability data in case of disruption, or only nominal fare offers? (BE)

Q30. Definition (14) of “content”: The definition refers to “functionalities” related to passenger rail transport services, in addition to discounts and products. Can the Commission provide one or more examples of “functionalities”? (FR)

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

Article 4

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

Q31. Are there, or should there be, any formal requirements regarding how to submit the request for a commercial agreement? (ES)

Q32. Where travel agencies fall within the scope of the definition of “online ticket service provider”, could the Commission clarify whether the obligation on railway service providers to enter into negotiations for a commercial agreement implies any form of obligation to contract, or whether railway service providers remain free to decide whether to conclude such agreements? Furthermore, does this obligation apply equally to all intermediaries seeking access to rail ticket distribution services? (IT)

Q33. Sharing obligation would 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. Does this mean that there is a requirement to provide stand-alone tickets or otherwise tickets covering multiple transport modes are to be shared? (FI)

Q34. Could the Commission clarify how the following provision should be interpreted and applied in practice: "The agreement 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." In particular, what is meant by a "stand-alone rail product"? (DK)

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Q35. §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)? (BE)

Q36. Para. 1 Subpara. 2: Which specific case should this provision cover? Is this intended to define the scope of application in order to distinguish it from the Multimodal Booking Regulation? Is there a specific example (especially with regard to the second half-sentence)? (DE)

Q37. 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? (ES)

Q38. Could the Commission clarify whether Article 4 requires existing integrated ticketing products to be separated, so that the rail component must be made available and distributed independently by third-party online ticketing service providers? (DK)

Q39. Article 4 requires railway undertakings to make their “rail products” available to online ticketing service providers upon request. It is unclear whether this obligation only covers transport services or also includes discounts, subscription products, loyalty schemes and promotional offers. Further clarification on the intended scope of “rail products” would be welcome. (NL)

Q40. Does the proposal make it mandatory for all regional rail services to allow other railway undertakings, ticket vendors and tour operators to sell train tickets on their behalf? (DK)

Q41. Could the Commission clarify whether the proposal introduces new data-sharing requirements for railway undertakings, or whether it merely relies on the existing requirements under Delegated Regulation (EU) 2017/1926 (ITS Delegated Regulation) and TSI Telematics? (DK)

Q42. We would also like to know how the displaying of tickets should be handled technically? For instance, will it be solved by APIs or by enforcing certain standards? What is the relation between Telematics TSI and Rail ticketing initiative? (FI)

Q43. According to Article 4 a railway service provider will essentially have to conclude a contract with a requesting online ticketing service provider. Has the Commission considered the situation where the railway service provider may not want to sell its tickets through a particular ticketing service provider for objective reasons? These may refer to various situations, for example:

- the ticket sales service provider comes from a country with which there are complicated financial relations or generally complicated relations ("hostile country"),
- ticketing service provider sells tickets in a way that poses a reputational risk to the railway service provider (for example, does not properly provide information about train services, does not pass on information to passengers or does not download information about changes and closures in a timely manner; as a result the dissatisfaction of passengers is being borne by the railway service provider itself). (CZ)

Q44. Could the Commission clarify how Article 4 of the proposed Regulation on rail ticketing should apply where rail passenger services are organised under public service obligations by a competent authority, and the relevant tickets are made available through a national public transport ticketing system maintained or operated on behalf of that authority? (LV)

Q45. Latvia would welcome clarification on whether, in such a case, the competent authority or the national ticketing system would be required to make technical adaptations to enable display, re-linking, resale or distribution by requesting online ticketing service providers, or whether the technical and operational arrangements are to be determined through the commercial agreement between the relevant parties, subject to the conditions set out in the Regulation. (LV)

Q46. Article 4 (obligation to share): A rail service provider must enter into a commercial agreement with an online ticketing service provider that makes a request, with the timeline and terms of the negotiations governed by Articles 4(1) and 6(2). Did the Commission assess the impact of a significant imbalance in bargaining power between a rail service provider and an online ticketing service provider making the request—for example, when the latter enjoys significant market power in the sectors of operating systems, app stores, or payment services, and in relation to which there may be a situation of economic dependence? Did the Commission consider a specific negotiating framework for these digital players, in particular the operating systems and software application stores within the meaning of Regulation (EU) 2022/1925 on digital markets? (FR)

BLOCK D - Obligation for indispensable railway online ticketing service providers to host rail products (hosting obligation) and overarching queries for Articles 4 and 5

Article 5

Article 5: Obligation for indispensable railway online ticketing service providers to host rail products (hosting obligation)

Q47. Could the Commission clarify their considerations regarding the regulatory model laid down in article 5 as regards indispensable railway online ticketing service providers. Could this model also entail the risk of consolidating or cementing the dominating position of these service providers, rather than providing beneficial market conditions for competitors? What alternative solutions were considered, such as creating incentives to separate ticketing services from the dominant railway companies? (SE)

Q48. §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? (BE)

Q49. Definition (12) of “vertical integration”: does this definition indeed cover the case where the entity distributing tickets is a travel agency wholly owned by a subsidiary of the railway undertaking? Even where that travel agency makes its decisions independently? (FR)

Q50. According to Article 5(2), 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. What criteria or mechanisms determine which of these is applied in practice? Is it for the requesting provider to decide? (FI)

Q51. Article 5(2) refers to the displaying, linking, selling or distributing of rail services. It would be helpful to clarify whether an indispensable online ticketing service provider is expected to offer all requested functionalities or whether providing one of these functionalities would be sufficient. (NL)

Q52. Could the Commission clarify the relationship between Article 5(1) and Article 5(4)? (DK)

Q53. In particular, what is the independent legal effect of Article 5(4), given that indispensable railway online ticketing service providers are already required under Article 5(1) to host the rail products of railway undertakings with a significant market presence? (DK)

Q54. In this context, could the Commission also clarify how the obligation to display all available rail services should be interpreted and implemented in practice? (DK)

Q55. Para 4: „schedule of available services" – Does it mean railway services? In the previous sentence, online ticketing services are also mentioned, so the reference seems somewhat unclear. (DE)

Q56. §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? (BE)

Q57. Article 5(4) refers to rail services "operated in" a Member State. It is unclear how this should be interpreted in practice. Does this obligation also apply to rail services that merely pass through a Member State without stopping there? Clarification of the scope of the term "operated in" would be welcome. (NL)

Q58. How have the effects of the hosting obligation on independent ticketing platforms and competitiveness in ticket sales been assessed? (FI)

Q59. Could the Commission clarify their considerations regarding the regulatory model laid down in article 5 as regards indispensable railway online ticketing service providers. Could this model also entail the risk of consolidating or cementing the dominating position of these service providers, rather than providing beneficial market conditions for competitors? What alternative solutions were considered, such as creating incentives to separate ticketing services from the dominant railway companies? (SE)

Q60. Has the Commission assessed how the provisions of the proposed Regulation, in particular those relating to access to distribution systems and the visibility of services, interact with the existing regulatory framework governing access to railway services and service facilities, including Commission Implementing Regulation (EU) 2017/2177? In particular, would the Commission consider referring to principles such as transparency, non-discrimination and equal visibility of services, in order to ensure consistency with existing sector-specific rules? (IT)

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Q61. 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? (ES)

Q62. 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? (ES)

Overarching queries for Articles 4 and 5

Q63. We would like to know also, has it been assessed, how the obligations would affect the small and medium-sized companies? (FI)

Q64. Articles 4 and 5 (2-month negotiation period and 8-month conclusion period): does the flexibility clause "unless otherwise agreed" risk rendering the time limit meaningless if the party in a position of strength imposes a de facto "different agreement"? (FR)

Q65. Aside from the parties of the commercial agreement, what is the difference of the obligation under para 2 as compared to the obligation under Article 4 para. 1:

> Article 4 para. 1: "for the purpose of providing content for the display, re-linking, resale or distribution"
> Article 5 para. 1: "for the purpose of displaying, re-linking, reselling or distributing" (DE)

Q66. When it comes to renumeration in commercial agreements, can it be requested by either party of the agreement? (FI)

Q67. The proposal aims to enable passengers to purchase rail products through a ticketing channel of their choice. This benefits their freedom of choice. Does the Commission expect that all major ticketing channels will offer substantially the same rail products and booking possibilities, or will differences between platforms remain permissible under the proposed framework? (NL)

Q68. Is the referenced Implementing Regulation (EU) 2017/1926 the right starting point for information on timetables in the railway sector? Would it not be better, for example, to refer to the Capacity Regulation? Implementing Regulation 2017/1926 refers to multimodal transport. (DE)

Q69. A single entry point is planned to simplify access to the various national access points. Does the Commission plan to develop this single European entry point, and if so, by when? (FR on Recital 11)

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BLOCK E - Fair and non-discriminatory conditions

Article 6

Article 6: Fair and non-discriminatory conditions

Q70. §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)? (BE)

Q71. Para. 1 lit. b): Is such information ((...) content related to their rail products available to the online ticketing service provider, including those subject to availability and reservations or yielded prices (...)) qualified as business/trade secrets? How can we ensure that this information is not passed on to unauthorised persons/competitors? (DE)

Q72. Article 6(1)(g) refers to the conclusion of a commercial agreement, while Article 6(2) provides that reasonable costs of connecting to the railway service provider's operational systems shall be borne by the ticket service provider. Could the Commission clarify whether the proposed Regulation envisages that commercial agreements may include additional charges beyond such connection costs and, if so, what limits or safeguards would apply? (IT)

Q73. 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? (ES)

Q74. 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)? (ES)

Q75. §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? (BE)

Q76. §2(a-g) and §4(a-d): are these lists of what an RSP/indispensable OTSP "may require" exhaustive (numerus clausus) or merely indicative? (BE)

Q77. Regarding supervision of dynamic prices on online ticketing service providers in order to follow the FRAND-conditions, how can this be done in practical terms since dynamic pricing is difficult to follow-up? (SE)

Q78. The proposal requires remuneration to comply with FRAND principles, but it is unclear which remuneration flows are covered. Does this apply only to payments received by railway undertakings, or also to payments made to ticketing providers for distribution services? In addition, it is unclear which national authority would supervise compliance in cross-border situations. Clarification would be welcome. (NL)

Q79. The concepts of "pricing" and "compensation" are discussed, with the understanding that they must not be disproportionate to the cost of the service provided. What is the difference between these two concepts? How can the pricing applied by the essential online ticketing

service provider be considered disproportionate? Will the determination of "disproportion" be left to the regulator's discretion? (FR on Recital 8)

Q80. Article 6(5) empowers the Commission to adopt implementing acts laying down detailed provisions for the harmonised interpretation of fair and non-discriminatory conditions in commercial agreements between railway service providers and online ticket service providers. Does the Commission envisage addressing, within those implementing acts, common definitions and metrics relating to the accuracy, completeness and timeliness of the data referred to in Article 6(1)(d) and Article 6(3)(b), in order to ensure a uniform application of these requirements across Member States? (IT)

Q81. The proposal largely relies on high-level FRAND principles rather than detailed regulatory requirements. Could the Commission elaborate on its assessment of this approach compared with a more prescriptive framework containing more detailed definitions or criteria for the application of FRAND principles? What were the main considerations underpinning the chosen approach? (NL)

Q82. Could the Commission clarify how the concepts of fair, reasonable and non-discriminatory contractual conditions should be interpreted in practice? (DK)

Q83. Does the Commission intend to develop guidance or standard contractual principles regarding these conditions? (DK)

Q84. Articles 6(1)(d) and 6(3)(b): Is the concept of "accurate, complete, and up-to-date" data accompanied by a measurable quality standard, or is it left open to contentious interpretation by regulatory bodies? (FR)

Q85. Articles 6(1)(g) and 6(3)(c) regarding the concept of "fair, reasonable, and non-discriminatory" compensation: does the Commission plan to provide a list of criteria for determining compliance with this obligation? Is this left to interpretation in disputes before regulatory bodies? (FR)

Q86. Article 6(2) about reasonable one-time costs borne by the ticketing service: does this imply that usage fees for connecting to operational systems are prohibited? (FR)

Q87. Article 6(2)(e) of the proposed Rail Ticket Regulation allows railway service providers to impose fair, reasonable and non-discriminatory cybersecurity-related conditions on online ticket distributors. Could the Commission clarify how this provision is intended to interact with existing EU cybersecurity legislation, in particular the NIS2 Directive and other relevant horizontal digital legislation? Further clarification would be appreciated to ensure a consistent interpretation and application of the respective obligations across the Union. (IT)

Q88. Given that cybersecurity is recognised as an essential element of the digital rail ticketing ecosystem, has the Commission considered including an explicit reference to the NIS2 Directive, for instance in a recital, as the relevant horizontal framework? Furthermore, has the Commission assessed whether the proposed provision could give rise to overlaps or divergent interpretations in relation to existing national and EU cybersecurity requirements, and how a coherent application of the rules can be ensured without creating additional burdens for railway sector operators? (IT)

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Q89. Articles 6(2)(e) and 6(4)(b): can the Commission provide further clarification on the level of requirements that rail service providers may impose with regard to "implementing and maintaining cybersecurity measures against unauthorized access, data breaches, and other cyber threats"? (FR)

Q90. How does the European Commission intend to ensure that the proposed obligations concerning the provision, display, and distribution of transport products to third-party platforms do not compromise the integrity of national public fare schemes and intermodal ticketing products that benefit from public funding or financial compensation mechanisms (such as metropolitan travel passes)? (PT)

Q91. Could the Regulation include a provision clarifying that national public fare schemes and intermodal ticketing products that benefit from public funding or financial compensation mechanisms, and which are therefore subject to strict public expenditure control, audit and accounting requirements, are excluded from any automatic and unconditional right of access by third-party commercial operators? (PT)

Q92. Will the proposals explicitly safeguard that any eventual integration or making available of publicly funded ticketing products to third-party platforms will remain strictly conditional upon, and subject to, full compliance with all regulatory requirements laid down by the competent Transport Authorities, including fare setting, passenger eligibility criteria, physical and digital validation architecture, data reporting, fraud prevention, and liability for improper or unauthorised sales? (PT)

BLOCK F - Railway undertakings with significant market presence

Article 7

Article 7: Railway undertakings with significant market presence

Q93. 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? (BE)

Q94. Is it correct to assume that the 50% threshold under the Significant Market Power (SMP) rule in Article 7(1) is assessed solely at the national level, and not on a regional basis? (AT)

Q95. The annual reports on the railway market is done according to the implementing regulation (EU) 2015/1100 (Rail Market Monitoring Scheme). Are these reports and statistics deemed to be sufficient to define dominant actors in terms of passenger kilometres or does this article risks adding new burdens on the railway undertakings? (SE)

Q96. The proposed Regulation identifies dominant transport operators on the basis of a 50% market share threshold. Could the Commission explain the rationale for calculating this threshold by including both open-access services and services operated under public service obligations (PSO), despite the different economic and competitive conditions characterising these market segments? (IT)

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Q97. 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? (ES)

Q98. The presumption of significant presence based on a 50% market share is grounded in case law regarding dominant positions. Can the Commission justify the conversion of this competition law threshold—which is based on a case-by-case analysis—into a regulatory threshold? (FR on Recital 5)

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BLOCK G – Booking horizon

Article 8

Article 8: Booking horizon

Q99. Could the Commission clarify to what extent railway undertakings may continue to change ticket prices, introduce additional services or departures, or otherwise modify their offer after tickets have been made available no later than five months before departure? (DK)

Q100. Does this rule prohibit railway undertakings to make special offers at shorter notice (Christmas sale, holiday discounts, etc.)? If so, why would that be beneficial for passengers? (DE)

Q101. Could the Commission clarify on the need for a specific horizon? (DK)

Q102. And elaborate om the choice of a five-month horizon? (DK)

BLOCK H – NEBs, NEB tasks and competences

Articles 9-10

Article 9: National enforcement bodies

Q103. Para 1: Would this paragraph not unduly restrict the choice of the competent authority of the Member States? In fact, the reference to Directive 2012/34/EU reduces the choice to the national regulatory body, as mentioned in Art. 55 Directive 2012/34/EU. However, the freedom of choice should remain within the responsibility of the Member States and their organisational sovereignty. Factually, the regulatory authority fits, but still: Is this not outside the competence of the Commission? (Please check by Council Legal Service, if necessary.) (DE)

Q104. 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? (BE)

Q105. Article 9(4): For online rail ticketing service providers not established in the Union, all national authorities have jurisdiction. What is the coordination mechanism designed to prevent duplicate proceedings or conflicting decisions among Member States regarding the same service provider? (FR)

Q106. Could the Commission clarify the specific powers that national enforcement bodies are expected to have with regard to disputes concerning commercial agreements between railway undertakings and online ticketing service providers? (DK)

Article 10: Tasks and competences of national enforcement bodies

Q107. 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? (BE)

Q108. Para 4: The limitation of suspensive effect of legal remedies affects core principles of judicial procedures in the Member States. Why is this justified? (DE)

Q109. Para 5: Is the publication of decisions appropriate here? What justifies this “name and shame” approach? Is there a model provision for this in Union legislation? (DE)

Q110. Considering the ongoing revision of the structure and functioning of the ENRRB, how will the cooperation provided for in Article 10(6) of this Regulation be organised in practice? (PT)

Q111. Will a new group be established within the ENRRB? (PT)

Q112. What role will the European Commission play? (PT)

BLOCK I – Complaints & Penalties

Articles 11-12

Articles 11-12: Complaints and Penalties

Q113. 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? (BE)

Q114. Article 11(5): The supervisory authority is given a 6-month deadline to establish “the terms of the agreement to be concluded” in the event that negotiations fail. Does this mean that the organization merely sets forth the terms of the agreement without requiring operators to enter into it, or does this impose an obligation on operators to enter into the agreement established by the organization? In this context, Does this effectively grant the authority the power to set commission rates? What criteria govern this decision to prevent discrepancies among Member States? (FR)

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Q115. Could the Commission elaborate on the relationship of the negotiating process with a complaint and decision of the enforcement body under Article 11 para. 5? How are the parties encouraged to reach an agreement if the ticket service provider can also request a decision by the enforcement body? (DE)

Q116. 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? (BE)

Q117. Could the Commission clarify how the complaints procedure is intended to operate in cross-border cases involving more than one Member State? (DK)

Q118. What is meant by a rail service provider being "established" Where it has its licence? Where it operates? Where it has its head-office? (SE)

Q119. Article 11 contains complaint and enforcement mechanisms primarily aimed at market participants and national enforcement bodies. Could the Commission elaborate on how individual passengers are expected to raise concerns where they believe that a ticketing platform does not comply with the Regulation? In particular, did the Commission consider providing passengers with a more explicit role within the complaints framework, and does it consider the current mechanisms sufficient from a passenger perspective? (NL)

Q120. 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? (BE)

BLOCK J - committee procedure / Reporting / Entry into force

Articles 13, 14, 15

Article 13: Committee procedure

Q121. Recital (12): This recital refers only to implementing powers (and not delegated powers) for the harmonized interpretation of fair and non-discriminatory contractual terms and the designation of railway undertakings that have a significant presence in the market. Article 13(2) of RTR regulation refers to Article 4 of Regulation (EU) 182/2011, otherwise to the advisory procedure for all implementing acts, including the designation of a railway undertaking as having a significant market presence, which is a a decision that triggers binding obligations (in particular the hosting obligation under Article 5) with respect to that company and its vertically integrated ticketing service. **Can the Commission justify this decision, taking into account that Regulation 182/2011 recommends the examination procedure for acts of general application or with a significant impact? (FR)**

Article 14: Report

Q122. The proposal seeks to ensure that passengers can find, compare and purchase rail products through a ticketing channel of their choice. How does the Commission envisage

assessing whether the Regulation has been successful in achieving this objective from a passenger perspective, in addition to ensuring technical access to ticketing data? (NL)

Article 15: Entry into force

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