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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
Subject:	Passenger package - Presentation by the Commission

Following the discussion in the Intermodal WP on 1 June, delegations will find attached the abovementioned presentation.

Passenger Package



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It’s simple: ***one journey, one ticket.***



Cross-border train travel is still too difficult for many citizens. People should be able to ***use open booking systems*** *to purchase trans-European* ***journeys with several providers****, without losing their right to reimbursement or compensatory travel.*

To this end we will propose [legislation] to ***ensure that Europeans can buy one single ticket on one single platform and get passengers' rights for their whole trip****.*

Ursula von der Leyen – European Commission President
Political Guidelines 2024-2029

The passenger package

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Multimodal booking

Scope: B2B and B2C ticketing platforms in all modes

Objective: Establish a level playing field on all ticketing platforms and improve the comparison and visibility of offers in all modes on ticketing platforms, incl. multimodal offers.



Rail ticketing

Scope: Railway service providers and online ticketing service providers

Objective: Ensure that rail travelers can buy one single ticket on one single platform of their choice.



Rail passenger rights

Scope: Passengers and railway undertakings

Objective: Full passenger rights (reimbursement, re-routing, assistance and compensation) for rail travelers missing a connection during a multi-operator journey bought as a single ticket.

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Impact Assessment

Multimodal booking & Rail ticketing

Key takeaways



What is an MDMS?

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B2C MDMS platforms

META SEARCH ENGINES

Skyscanner

Google Flights

KAYAK

ONLINE TRAVEL AGENTS

trainline

omio

eDreams

DOHOP Anywhere. Simple.

BCD travel
travel smart. achieve more.

RAIL UNDERTAKING PLATFORMS

sncfconnect

renfe

DB

B2B MDMS platforms

COMPUTERISED RESERVATION SYSTEMS

AMADEUS

Sabre

NEW CONTENT AGGREGATORS

FARELOGIX

travelfusion



How big is the problem ?

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100 O/D pair analysis

omio VS

In **76% of the routes, multi-modal options exist**, but MDMS rarely display them today. For example, **39% of rail / bus connections were missing**.

Eurobarometer survey

1/3 of citizens never booked a multimodal nor multi-operator journey.

For **17%** of them, this is because they **couldn't find a suitable combination**.



Problem 1: Lack of transparency, unfair conditions, and uneven playing field in the online ticketing market

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MDMS platforms' behavior → Barriers to competition

- Use the imbalance in commercial relationship against smaller players
- Have commercial incentives for bias
- Are not subject to the same rules at EU level

- Prioritisation of certain services based on commercial interest
- Higher service fees for certain operators
- Distortion of competition

End-users cannot find all offers

COMP case DB c. Flix

DB Navigator was found to use a pre-set filter that favoured DB's own services to the detriment of competitors

Stakeholder consultation

"The CRS Code of Conduct contributes to a distorted distribution system as it only applies to regulated CRS platforms, not to many newer B2B and B2C digital solutions leading to inconsistencies and reduced flexibility." B2B MDMS



Problem 2: Incomplete offer of rail tickets on (rail) platforms

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Indispensable RUs' behavior → Barriers to competition in rail

- Exclude or hide competing offers on their in-house platforms
- Have limited willingness to share their offer to third-party platforms

- Barriers in booking all rail tickets in one place
- Lack of competition between RUs

End-users cannot book optimal rail journeys

T&E ticketing survey

Promotional fares are not accessible on most third-party ticketing platforms and prices are on average **1.7 to 1.9 times more expensive**.

EB survey

23% of citizens couldn’t find a suitable rail combination and 11% did not know how to find multi-operator rail journeys.



What policy options?

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PO1

- All platforms must **neutrally display offers**, incl. via GHG emissions and fairly process data
- **FRAND conditions** for distribution agreements for B2B MDMS, B2C MDMS with SMP, indispensable RUs.

PO2

- PO1

+

- Indispensable RU to **share offer** with requesting MDMS

PO3

- PO2

+

- Indispensable RU platforms to **integrate** requesting operators

PO4

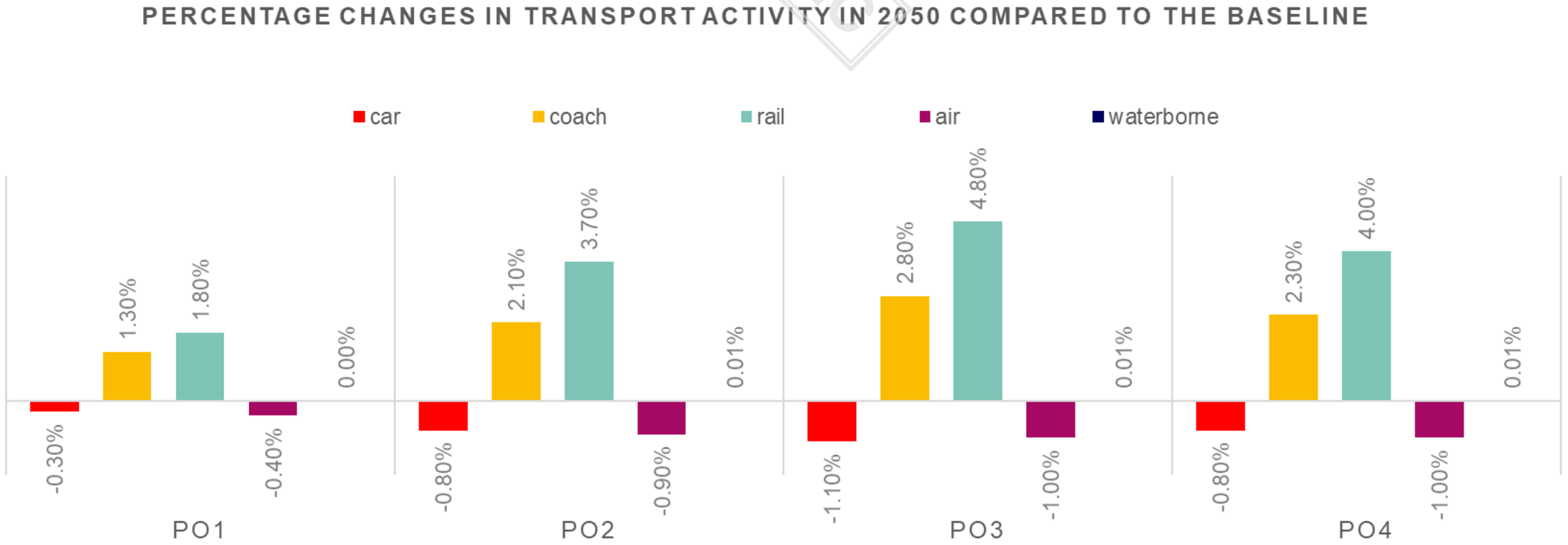
- PO2

+

- Indispensable RU to **unbundle** their distribution and operational services

Key result of the analysis

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Key result of the analysis

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	PO1	PO2	PO3	PO4
EFFECTIVENESS	+	++	+++	++
EFFICIENCY	+	++	+++	++
Net benefits (expressed as present value over 2028-2050, relative to the baseline)	**EUR 12.5 billion**	**EUR 25.8 billion**	**EUR 37.3 billion**	**EUR 28.4 billion**
Benefit to cost ratio	**54**	**89**	**122**	**64**
COHERENCE	++	++	++	++
SUBSIDIARITY and PROPORTIONALITY	++	++	++	+

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The Passenger Package: proposal for a Regulation on multimodal booking



Multimodal booking

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Main measures

- Obligation for all ticketing platforms to **neutrally** display offers.
- Obligation for key platforms to respect **fair, reasonable and non-discriminatory** principles when entering into commercial agreements.
- Member States appoint NEBs to **designate platforms with SMP at national level** and the Commission to designate **platforms with SMP at EU level**.
- NEBs to deal with **complaints.**



Ch.1 – Subject matter, scope and definitions

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Scope

- **B2C MDMS**: applies when they offer products in the Union for journeys within, to or from the Union (i.e. *there must be at least a point of arrival or departure in the EU*)
- **B2B MDMS**: applies when they offer products in the Union (i.e. *a platform would be in scope even if it sells only non-EU journeys but point of sale is in the Union*)

Definitions:

- **B2C MDMS**: provide end users with information and distribute or re-link
- **B2B MDMS**: provide business users information with or without facility to make a reservation



Ch.2 – Rules for B2C MDMS with SMP and B2B MDMS

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Designation process for B2C MDMS with SMP

- When they meet thresholds at national level, B2C MDMS must notify **NEBs** responsible in the MS in which they meet the thresholds or to COM if it meets thresholds at EU level.

Rules for commercial agreements between transport operators and B2C MDMS with SMP & B2B MDMS

- Must provide **guarantees** in the treatment of commercially sensitive data; **not attach unfair conditions** and exclusivity clauses, ensure **FRAND** remuneration.

Rules for commercial agreements between B2B MDMS and business users

- It cannot prevent a user to subscribe to similar services, require the acceptance of **unnecessary conditions**, impose **technical requirements** or software services, any other **unfair** condition.



Ch.3 – General obligations for MDMS platforms

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Neutral display and ranking criteria

- Must **neutrally rank offers** and **use in their default ranking one or more criteria listed** in the proposal (final price, duration, etc.). Ranking via **GHG emissions should always be available** as an option to end users.

Rules for the display of GHG emissions

- Must display information on GHG emissions when that information is shared by transport operators. If the information is not available for a transport product, it should **rank below those where the information is available**.

Marketing information data and B2G data sharing

- Marketing data must be shared on a **timely and equal manner** with all involved transport operators.
- A public transport authority can **request passenger volume data**



Ch.4 – Implementation and enforcement

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What is a national enforcement body (NEB)?

- Must be designated by each MS to enforce the regulation for B2C MDMS and B2B MDMS which main establishment is located in their country.
- Enforcement powers can be transferred to NEBs in which the B2C MDMS has SMP

What tasks?

- The NEB must in particular: monitor compliance, handle complaints, impose penalties, designate B2C MDMS with SMP.
- A network of NEBs is set up, to ensure coherent implementation across the EU and mutual assistance in their tasks.

Complaints

- A complaint must be lodged at the place of establishment for MDMSs or, for transport operators, where they operate.
- A complaint or information can be transferred by a NEB to another if relevant

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The Passenger Package: proposal for a Regulation on rail ticketing



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Rail ticketing

Overview

- **Sharing obligation**: Railway service providers have to enter into a commercial agreement with requesting online ticketing service providers, for display, relinking, reselling and distribution.
- **Hosting obligation**: Indispensable railway online ticketing service providers have to enter into a commercial agreement with requesting railway service providers, for display, relinking, reselling and distribution. Independent of commercial agreements, they have to display all services in the relevant market, incl. cross-border connections.
- **Fair contractual conditions:** Fair and non-discriminatory conditions to be applied to these commercial agreements.

Enforcement
National rail regulatory bodies established by the SERA oversee enforcement.



Photo by Adobe

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Rail ticketing

Detailed provisions 1/5

✓ Exemptions (Article 2):

- Metro/tram services
- Historical and touristic services
- Urban and suburban services on standalone networks
- Online search engines

✓ Exemption (Article 4):

- Multimodal ticket, provided a stand-alone rail ticket exists



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Rail ticketing

Detailed provisions 2/5

- Sharing obligation (Article 4):
  - Railway service providers have to enter into a commercial agreement with requesting online ticketing service providers, for display, relinking, reselling and distribution of their content;
  - Start negotiations within 2 months of receiving the request;
  - Negotiations to be concluded within 8 months of receiving the request.
- Negotiations have to be concluded, unless the requesting party does not want to comply with fair and non-discriminatory contract conditions (conditions in Article 6(2))



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Rail ticketing

Detailed provisions 3/5

- Hosting obligation (Article 5):
  - If a railway service provider serves 50% or more of a national rail market, its vertically integrated online railway ticketing service provider is deemed 'indispensable';
  - Indispensable railway online ticketing service providers have to enter into a commercial agreement with requesting railway service providers, for display, relinking, reselling and distribution.

  Plus: Independent of commercial agreements, they have to display all services in the relevant market, incl. cross-border connections.
- Negotiations have to be concluded, unless the requesting party does not want to comply with fair and non-discriminatory contract conditions (conditions in Article 6(4))



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Rail ticketing

Detailed provisions 4/5

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Fair and non-discriminatory contract conditions, to ensure:

- Article 6(1): that requested railway service providers do not impose anti-competitive or unjustified conditions (e.g. "*my ticket cannot be combined with..*", or "*I do not provide all my fares*")
- Article 6(2): that requesting online ticketing service providers can demonstrate a minimum level of reliability and continuity;
- Article 6(3): that requested indispensable online ticketing service providers do not advantage their in-house railway service provider (e.g. by charging internally a lower remuneration);
- Article 6(4): that requesting railway service providers accept reasonable operational and technical conditions.



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Rail ticketing

Detailed provisions 5/5

- Article 7: railway undertakings with significant market presence
- Article 8: booking horizon, tickets available 5 months before railway service is operated (where possible)
- Articles 9–12: enforcement. National enforcement body, tasks and competences, complaints and penalties
- Articles 13-15: committee procedure, report and entry into force

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The Passenger Package: proposal for a targeted revision of the Regulation on rail passenger rights



Rail passenger rights

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- Problem: insufficient protection of passengers under multi-operator journeys
  - Low availability of through-tickets
  - Multilateral sector agreements offer limited relief
- Proposed policy intervention
  - Full set of rights for rail passengers having a single ticket
  - Benefits outweigh the costs (NPV 2028-2050)
    - Total costs: EUR 2,194.4 million
    - Total benefits: EUR 7,779.7 million
    - ➢ Benefits to cost ratio: 3.6



Rail passenger rights

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Full set of rights for rail passengers having a ‘single ticket’.

In case of missed connection between services of different operators, a passenger with a single ticket has these rights:

CHOICE BETWEEN

Journey continuation/ re-routing to final destination

Reimbursement of the ticket

ASSISTANCE

Refreshments, meals, accommodation.

COMPENSATION

(if ticket is not reimbursed; for the whole journey, unless day ticket > 12 hours)



Rail passenger rights

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- **Liability for operator** whose delayed/cancelled rail service caused a passenger to miss a connection with another operator's service.
- Safeguards to **prevent segmenting of single tickets** by operators and third-party platforms to avoid circumvention of rights.
- **Minimum connection times to be respected** when selling single tickets. Liability if minimum time not respected.



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Thank you!