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

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

Initial questions of the Netherlands on the Passenger Package

For discussion at Working Groups Intermodal on 9th and 16th of July

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Rail ticketing Regulation (RTR)

Scope of "rail products" (Article 4)

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.

Obligations of indispensable online ticketing service providers (Article 5(2))

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.

FRAND remuneration and supervision

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.

Meaning of "operated in" (Article 5(4))

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.

Measuring success of regulation objectives

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?

Differences between ticketing channels

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?

Passenger complaints

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?

FRAND principles and implementation

The proposal relies to a significant extent on sector-led implementation through contractual arrangements based on Fair, Reasonable and Non-Discriminatory (FRAND) principles, including agreements relating to data sharing, hosting obligations, remuneration and passenger rights. Article 6(5) provides the Commission with the possibility to adopt implementing acts where such arrangements are not achieved.

Could the Commission elaborate on its assessment of the sector's ability to deliver these arrangements effectively on a FRAND basis? In particular, how does the Commission assess the balance between regulatory flexibility and the potential administrative and supervisory burden associated with monitoring compliance? In this context, the impact assessment appears to assume additional staffing requirements of approximately 5 FTEs for each national rail regulator. How does the Commission assess these resource implications?

Monitoring and enforcement of FRAND principles

How does the Commission envisage monitoring the implementation of the FRAND principles during the first two to four years of application of the Regulation? What role does the Commission foresee for national regulatory bodies and Member States in this process, and what resources are expected to be required at both EU and national level?

Alternative approaches to FRAND

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?

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Rail Passenger Rights Regulation (RPRR)

Distinction between a through-ticket and a single ticket

(Article 3(9) and 3(9a) of Regulation (EU) 2021/782, as amended)

Could the Commission further clarify the relationship between the concepts of a "through-ticket" and a "single ticket", and the legal effects attached to each? In particular, how does the Commission envisage explaining these concepts and the associated passenger rights in a clear and user-friendly manner to passengers?

Liability and minimum connection times

(Article 12(2) of Regulation (EU) 2021/782, as amended; Regulation (EU) 2026/253, Section 4.2.2.4)

Could the Commission provide further clarification on how the liability regime under Article 12(2) interacts with factors such as applicable Minimum Connection Times established pursuant to Regulation (EU) 2026/253 and the frequency of onward services? It would also be helpful to understand how the Commission views this in light of the fact that the methodology for the "Calculation of connection time" (Section 4.2.2.4 of Regulation (EU) 2026/253) remains an Open Point.

Meaning of "subject to the availability of seats"

(Article 12(2), third subparagraph, as proposed)

Could the Commission clarify how the condition "subject to the availability of seats" is intended to operate in practice? In particular, who determines seat availability, how will this be communicated to passengers, and does the concept also take account of situations where standing capacity is available? Further guidance on the practical application of this provision would be welcome.

Readability of the 12-hour compensation provision

(Article 12(2), fourth subparagraph, as proposed)

Could the Commission provide further explanation of the intended operation of this provision? Given its importance for passengers undertaking journeys of more than 12 hours, consideration could perhaps be given to presenting the rule in a more accessible manner to support legal certainty and passenger understanding. Currently the sentence is particularly long and complex, making it difficult to understand both for legal practitioners and (probably) for passengers.

Interaction with the 100-minute rule

(Article 18(3) of Regulation (EU) 2021/782 and Article 12(2), third subparagraph, as proposed)

Article 18(3) of Regulation (EU) 2021/782 provides a framework for passengers to arrange alternative transport where re-routing options have not been communicated within 100 minutes. Could the Commission clarify how this framework interacts with the proposed right in Article 12(2) to continue the journey on the next service? In particular, how does the Commission envisage passengers benefiting from this right where suitable onward ('next') services may depart before alternative travel arrangements have been communicated?

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Practical exercise of the "next service" right

(Article 12(2), third subparagraph, as proposed)

Could the Commission provide further clarification on how passengers will exercise the right to continue their journey on the next service in practice? For example, will the original single ticket remain valid, will passengers be automatically rebooked, or will a new travel authorization be required?

"Next service" and "earliest opportunity"

(Article 12(2), third subparagraph, as proposed, and Article 18(1)(b) of Regulation (EU) 2021/782)

Article 18(1)(b) of Regulation (EU) 2021/782 provides passengers with the right to continuation or re-routing "at the earliest opportunity". Could the Commission clarify how this concept relates to the proposed right under Article 12(2) to continue the journey on the railway undertaking's "next service"? In particular, where different travel options are available, additional guidance on how these provisions are intended to work together would be welcome.

Communication of planned cancellations and disruptions

(No specific provision identified in the proposal)

The proposal significantly strengthens passenger protection in the event of missed connections and disruptions. Could the Commission also elaborate on how passengers will be informed about planned cancellations or longer-term service disruptions, so that they can make timely travel and rebooking decisions?

Recognition of a single ticket by passengers

(Articles 3(9a), 12 and Recital 6 of the proposal)

Could the Commission elaborate on how passengers will be able to recognise that a journey has been sold as a "single ticket" and therefore benefits from the associated passenger rights? For example, would a standardised label, symbol or information requirement be considered useful in supporting passenger awareness and understanding?

Designation of responsible railway undertaking in cross-border situations

The proposal designates a responsible railway undertaking, thereby simplifying the exercise of passenger rights. This would be a welcome simplification from the passenger's perspective. Could the Commission clarify how supervision and enforcement are intended to operate in cross-border situations where the underlying disruption occurs in another Member State or outside the sphere of control of the responsible railway undertaking? In particular, which national enforcement body (NEB) would be expected to take the lead where several railway undertakings and jurisdictions are involved?

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Regulation on multimodal booking

General questions / Reasons for and objectives of the proposal

- In the reasons and objectives of the proposal, a lack of multimodal options shown to travelers is named as an issue the proposal seeks to tackle. However, the proposal seems to focus on improving the shown availability of multi-operator journeys rather than multimodal/combined modes, for example by defining MDMS as offering transport products from two or more operators within the same mode.

➔ *Can the Commission elaborate on how the current proposal aims to improve also journeys with combined modes?*

- MDMS providers have no obligation to obtain information from transport providers. Nor do transport providers have an obligation under the regulation to provide information to MDMS providers. The regulation merely stipulates that when an MDMS provider and a transport provider have an agreement to share information, the MDMS provider must process and present that information in a neutral manner. Consequently, the traveler knows that the presented transport options are non-discriminatory. However, the traveler does not know whether the options are complete or if certain possibilities are excluded.

➔ *Given that there is no obligation to enter into commercial agreements with transport providers or to "retrieve" data from transport providers, how does the proposal ensure that all available options are shown? Do the requirements on neutral display only mean to neutrally display the transport providers that the MDMS provider already has a commercial agreement with? How is a level playing field that is inclusive towards smaller transport operators ensured?*

Article 2 - Scope of the obligations

- In the current proposal, SME MDMS providers are excluded from the obligations. However, in the Netherlands and perhaps also other Member States, a significant share of companies providing MaaS-applications or travel information services are SME, yet reach a significant share of Dutch travelers.
  ➔ *Has the EC calculated what this exclusion means for the effectiveness of the proposal, using data on what share of travelers use MDMS-services from SME is this has been made available during the study? And how will travelers be able to know whether the platform they are using is "MBR compliant" (e.g. showing travel options transparently and neutrally)?*
- Shared mobility and transport which serves an urban centre/conurbation is excluded from the proposal, while including these would expand the (sustainable) options shown to travelers and ensure they can plan a truly multimodal trip from door-to-door.
  -> Can the EC elaborate on the choice to exclude these modes? Given the market power of indispensable MDMS in showcasing the options travelers may use to reach/travel from e.g. the train station/airport/bus stop, do Member States remain free to implement additional legislation to address the functioning of the shared mobility booking market? Has the EC looked at other (non-legislative) instruments to improve this?

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(1) (a)
"[…] except for transport services whose principal purpose is to meet the transport needs of an urban centre or conurbation, including a cross-border conurbation, or to meet the transport needs between such a centre or conurbation and the surrounding area."

➔ How are these exactly defined, and what are the implications in practice? How does a cross-border transport need in a conurbation and its surrounding area differ from transport needs that are within scope of the proposal?

(2)
"This regulation does not apply to online search engines as defined in Article 2, point (5), of Regulation (EU) 2019/1150."

➔ *Are AI tools including LLM's also excluded from the proposal?*

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Article 3 – Definitions

How to ensure streamlining with the Proposal on Multimodal Passenger Rights (2023/0436), given that the definitions in the RTR are streamlined with the Rail Passenger Rights Regulation as well?

In general, the RTR/RPRR and RMB use different definitions for the same concepts, while both addressing the same market and partly the same entities. Can the EC explain the need for clearly distinguishing these definitions from the other proposal?

2. *Can the EC elaborate on the choice to use the definition of "B2C and B2B MDMS" in this proposal, while choosing the definition of "online ticketing service providers" in the RTR, given that these definitions may partly encapsulate the same entities in practice?*

   2(b). *Why the choice to use "distribution" and "re-linking" in the RMB, while using "re-selling" and "re-linking" in the RTR?*

Article 4 – Designation of B2C MDMS with SMP

- To determine whether an MDMS provider qualifies as a platform with "significant market presence" under this Regulation, the question must be answered whether they sold a number of e.g. "rail products" in the previous financial year, within the meaning of Annex I under 1(b) RMB. It is unclear what is meant by "rail products". Art. 3(6) RMB defines "transport product" as a tailored transport service linked to a fare. Art. 3(10) RTR defines rail product as a "tailored service in relation to a passenger rail transport service linked to a tariff". Translated to Dutch practice, consider a monthly subscription:

➔ *Does the monthly price/value for the subscription apply when the rail product, or (the value of) all individual journeys made with that subscription card, are made?*

4.9 "The Commission is empowered .. changes in the B2C MDMS market"

- > Here the EC is empowered to adopt delegated acts to amend the thresholds in Annex I. However, the legal text itself does not include the calculations upon which the current thresholds are based, this is only included in the impact assessment. Does the EC plan to

amend the thresholds using the same percentages? If so, should this be included somewhere in the legal text?

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Article 5 – Conditions for commercial agreements between transport operators and B2C MDMS providers with significant market presence

2. (a) "Provide guarantees to ensure that commercially sensitive data shared by transport operators are not disclosed, [...]"

➔ Any safeguards or ways to enforce compliance?

2. (c) "Ensure that where remuneration for the services of the B2C MDMS provider or the B2B MDMS providers is agreed with the transport operator, remuneration levels are based on fair, reasonable and non-discriminatory criteria." Currently, it is unclear what constitutes fair, reasonable and non-discriminatory, which makes compliance assessment more complicated and adds more administrative burden.

➔ *Does the EC plan further guidance on what constitutes FRAND in the case of renumeration for MDMS services, or in the form of an implementing act?*

To provide an indication of the types of questions that may arise when applying the FRAND standards, a number of examples are set out below.

What should be the price of the rail services?

Railway undertakings are required to make their rail services available for sale by ticket vendors that request access. The question is at what price these rail services (i.e. the ticket prices) should be made available. Should the price be identical to the prices charged by the railway undertaking itself, including the prices it applies at any given moment for services where ticket prices vary over time? The Regulation does not specify this and therefore leaves the matter to be determined through the application of the FRAND standard.

What remuneration may railway undertakings charge?

Railway undertakings may charge ticket vendors a fee for selling their services. It also appears reasonable that railway undertakings should compensate ticket vendors for the costs they incur in displaying services, providing links, selling tickets, or distributing them. On what basis should these fees and compensations be determined? The fees charged by other railway undertakings offering comparable services under similar circumstances (as referred to in Recital 8) appear to provide a useful benchmark. However, this requires further specification, including which services should be included in the benchmark and, for example, whether the average of the compensation levels observed within that benchmark should be used.

May the remuneration charged by railway undertakings be higher when their services are used in through-tickets?

Where rail services are used as part of through-tickets, the railway undertakings responsible for cancellations or delays are liable for compensating passengers. A relevant question is whether

railway undertakings may charge higher remuneration when their services are included in a through-ticket, in order to cover the costs associated with passenger compensation.

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What standard should apply to remuneration where no comparable benchmarks exist?

Recital 8 of the RRT identifies a number of benchmarks for assessing whether terms and remuneration comply with the FRAND standard. These benchmarks include the terms and remuneration applied by other undertakings, or by the undertaking itself, in comparable situations (such as in other regions or for similar services). The recital also states that, in the case of a vertically integrated railway undertaking and ticket vendor, the undertaking's own internal terms and remuneration may be taken into account.

However, suitable benchmarks will not be available in all cases. Moreover, a vertically integrated undertaking will often not have internal terms and remuneration that can serve as a benchmark. Where appropriate benchmarks are lacking, FRAND will need to be determined by other means, for example by assessing the relationship between remuneration and the underlying costs. This, in turn, requires further clarification regarding which costs are relevant, how those costs should be determined, and how remuneration should relate to those costs.

Article 7 – Neutral display and ranking criteria

There are cases where buying one "international" ticket which consists of a combination of regional trips, becomes disproportionately more expensive than the sum of the separate ticket prices.
Has the EC considered the option of an obligation towards price transparency, showing how a fee is calculated if multiple operators are involved?

2. "When B2C MDMS providers [...] display transport products [...] they shall do so in a neutral and comprehensive manner, without discrimination or bias."

- ➔ It is not sufficiently clear what is meant here by neutral and comprehensive, and whether the obligations in the rest of article 7 fully encompass this, or whether the norms of neutral and comprehensive should be further defined in order to fulfil enforcement obligations. I*s the EC planning to give further guidance/implementing acts on how to interpret these norms?*

11. "Such 'paid prominence'... request by the end user"

-> Can the EC explain the choice to go further than transparency, and only show sponsored content if explicitly requested by the user? How does the EC see this working in practice? Does the EC expect that users will make such requests? Has the EC analysed how this may affect the business model of MDMS providers, especially if they do not ask for renumeration but rather make profits from such sponsored contents?

Article 8 – Marketing information data

1. "If any marketing, booking or sales ... a commercial agreement"

➔ *Do MDMS providers have an obligation to share this information data under this article, or only to treat transport operators equally and share data also with other transport operators? If this would constitute data only about products from one transport operator, should other transport operators also receive this data? Can the EC provide more information about the reasoning behind this obligation?*

➔ *If data is not yet (sufficiently) anonymized and aggregated, does the burden of doing so lie with the MDMS provider? Or can this be used as a reason to not share the data?*

Article 9 – Information on GHG and carbon dioxide equivalent emissions

1. "MDMS providers shall display clear, [...] information on GHG emissions or CO2 equivalent emissions, [...], wherever such information is made available by transport operators."

➔ "is made available" → any guidance on how to make this data available? Via the NAP, or directly to the MDMS provider? Who is responsible for checking data reliability?

3. "If the information referred to in paragraph 1 is not available for all transport products included [...]."

➔ Does the EC foresee risks of smaller transport operators not having the resources to transmit this data and being ranked at the end of the ranking? Would it be possible for MDMS providers to add this info based on a standard calculation instead, with a disclaimer that this information was not directly provided by the transport operator?

Article 10 – Sharing of data with public transport authorities

1. "B2C MDMS providers shall only be required to share data already in their possession and shall not be obliged to produce new data in response to a request from a public transport authority."

→ If data is not yet aggregated and anonymized, can it still be requested by a public transport authority? Is the MDMS provider then obligated to aggregate, anonymize, and transmit the data?

4. "Public transport authorities shall cover the costs reasonably incurred [...]."

➔ *Where lies the burden to either prove or check whether those costs indeed reflect those reasonable incurred?*

Article 15 – Penalties

"MSs shall lay down the rules on penalties applicable to infringements of this Regulation. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory."

➔ *Does the EC plan to provide guidelines for what is effective, proportionate, dissuasive and non-discriminatory, and how will it monitor this?*

Annex I

The thresholds for designating B2C MDMS with SMP are included in Annex 1 of the RMB. Parties must be designated as B2C MDMS with SMP above certain values for the number of products sold or revenue per transport modality (air, rail, bus, water).

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➔ *It is unclear how that number of products sold and revenue is defined and what the source is. For example, which revenue is meant by revenue for rail services? Does this concern the company's total revenue for rail services or only the revenue sold via the ticketing platform? Additionally, the header is missing from the table for the 'air' modality, the unit for the number of transactions (products sold) is missing, and the Netherlands is not mentioned in the table.*

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