Multimodal Booking Regulation

eu travel tech position paper

This paper sets out eu travel tech's position on the Multimodal Booking Regulation. It covers the display and ranking obligations of Article 7, the treatment of sponsored results, the emissions display obligations of Article 9, the administrative burden the Regulation creates and its enforcement architecture. The article-by-article amendments are set out in the accompanying annex.

It does not cover in-depth the competition-related provisions of the proposal, namely the designation of providers with significant market presence and the conduct obligations that follow, in Articles 4, 5 and 6 and Annex I, and the marketing information data obligation in Article 8. eu travel tech's position on those provisions is that they should be removed from the proposal in their entirety. The extension of content-sharing and FRAND obligations to dominant air carriers is addressed in-depth in the eu travel tech paper on the Rail Ticketing Regulation.

Executive summary

The Multimodal Booking Regulation adopts a regulatory model designed for airline-owned reservation systems and extends it, with gatekeeper-style additions onto a distribution market that is today competitive, diverse and largely independent of transport carriers. We consider that the proposal, as it stands, should be rejected; it responds to a problem which the evidence does not establish, with obligations aimed at intermediaries that hold no market power while the transport carriers that do hold it evade obligations almost entirely.

Consumer protection: The display rules would make travel search worse for the consumers they are meant to protect. A closed list of default ranking criteria removes the flexibility that lets comparison sites serve different travellers and compete effectively, and harms business models which give room to free consumer search and comparison tools, which also provide carriers with visibility. Genuine display bias is a concern only for operators' vertically integrated platforms that both rank and sell their own supply of tickets. These provisions duplicate protections that already exist in the Unfair Commercial Practices Directive, the Digital Services Act, the Platform-to-Business Regulation, and the proposed Rail Ticketing Regulation.

Competition: eu travel tech's initial position is complete removal. The designation regime in Article 4 and Annex I, the conduct obligations in Articles 5 and 6, and the marketing information data obligation in Article 8 are not justified by any market failure the Impact Assessment establishes. These provisions should be deleted. The detailed reasoning, and the amendments that would be required should the co-legislators retain them, are set out in a separate eu travel tech position paper.

eu travel tech key ask:

- **Ensure search results and displays remain useful to users: replace the closed ranking list and the sponsored results restriction with a high-level prohibition of undisclosed bias and a guarantee of user choice in filtering options.**

- **Remove the competition-related provisions in their entirety: Articles 4, 5 and 6, Annex I and Article 8 are unjustified, disproportionate and not fit for purpose;**

- **Extend the content-sharing and FRAND framework of the Rail Ticketing Regulation to dominant air carriers, so that the balance of rights and obligations is restored for air as it is for rail.**

1. Introduction

This paper sets out eu travel tech's position on the Multimodal Booking Regulation, notably the neutral display and ranking obligations of Article 7, the treatment of sponsored results, and the emissions display obligations of Article 9. The article-by-article amendments are set out in the accompanying annex.

eu travel tech represents the travel technology sector, including online travel agencies, metasearch engines, travel management companies and global distribution systems. These companies perform the passenger transport search, comparison and combination functionalities which are the Multimodal Booking Regulation's regulatory target as 'Multimodal Digital Mobility Services'. Their business model depends on comprehensive, trusted, accurate and attractive presentation of all available options. eu travel tech therefore engages constructively with the modernization of the framework for ticket distribution and welcomes the repeal of Regulation (EC) No 80/2009, a regulatory regime designed in the 1980s for a market of vertically integrated aggregator systems that no longer exist in their original form.

The proposal that is set to replace it, however, does not modernize that framework; it extends it. The Multimodal Booking Regulation takes a regulatory model built for airline-owned aggregators and broadens its application, with gatekeeper-style additions, onto not only a far more competitive and diverse distribution market but also entirely different business models, applying conduct obligations to undertakings whose market power has not been established and, as this paper demonstrates, does not exist. The Regulatory Scrutiny Board twice highlighted this problem: its first opinion on the Impact Assessment was negative, and even its second, positive opinion recorded the reservation that the existence and magnitude of the alleged market failures "are not sufficiently demonstrated"[1]. It also queried the scope, pointing out the inconsistency in including platforms that do not sell tickets even though the alleged market failures relate to ticketing.[2]

Three observations are key. **First**, the title "Multimodal Booking Regulation" overpromises: nothing in the legislative text creates, mandates or facilitates a single multimodal journey, through-ticketing across modes or technical interoperability, and the regulated services themselves need not be multimodal at all. A service qualifies as a "multimodal" digital mobility service by distributing products of two or more operators in one and the same

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[1] SWD(2026) 300, Annex 1, section 3 and Tables 31-32. The RSB issued a negative opinion on 13 September 2023; its second opinion of 13 April 2026 was positive with reservations, including that "The existence and magnitude of the alleged market failure(s) of 'uneven playing field in the online ticketing market' and 'incomplete offer of rail tickets on (rail) platforms' are not sufficiently demonstrated."

[2] Regulatory Scrutiny Board, second opinion of 13 April 2026, section B, point 1 and section C, point 1, quoted in SWD(2026) 300, Annex 1, Table 32.

mode[3]; an air-only online travel agency ("**OTA**") is "multimodal" by definition, while no provision requires, facilitates or rewards the actual combination of transport modes. "Multimodal" describes neither a new service to travelers nor even the undertakings being regulated; it is a label without connection to reality. **Second**, the conduct the proposal targets is already regulated: undisclosed paid ranking is prohibited by the Unfair Commercial Practices Directive ("**UCPD**"), as the Impact Assessment itself states[4]; ranking transparency is governed by Article 5 of the Platform-to-Business Regulation ("**P2BR**") and Article 27 of the Digital Services Act ("**DSA**"); self-preferencing by vertically integrated rail incumbents is addressed by the proposal for a Rail Ticketing Regulation ("**RTR**"); and Articles 101 and 102 TFEU remain fully applicable to infringements of EU competition law. The fact that existing law covers the substance of what is proposed here was noted by the Regulatory Scrutiny Board in its opinion, but effectively ignored in the final proposal, which continues to state – incorrectly - that there are 'no rules governing how results are displayed'. Where the proposal goes beyond this framework, it does not fill gaps; it either duplicates or contradicts existing EU law, replacing transparency-based provisions with prohibitions and pre-empting the effects-based analysis of competition law. **Third**, and most fundamentally, the proposal regulates the wrong side of the vertical relationship involved in the distribution of transport tickets: it grants new protections to transport operators, including the dominant carriers that competition authorities across Europe have repeatedly found to restrict independent distribution in an abusive fashion.

Overall, eu travel tech considers that the proposal, in its current form, should be rejected by the co-legislators: it addresses a problem that the evidence does not establish, with instruments mismatched to the market it targets. We recognize, however, that the legislative process is under way, and seek to engage constructively to ensure any conclusively adopted Regulation is workable and functioning. The positioning and the article-by-article amendments that follow are offered in that spirit, to set out what would be required to make the Regulation workable should the co-legislators choose to proceed.

This paper sets out eu travel tech's view on how the Regulation should be rebuilt. Four messages frame the detailed positioning and the article-by-article amendments in the Annex:

- **Restoring the balance of rights and obligations, above all for air**: the proposal hands operators new rights vis-à-vis intermediaries; for railways these are counterbalanced by the content-sharing and FRAND obligations of the RTR, but for airlines no counterpart exists. The content-sharing and FRAND framework of the RTR must be extended to dominant air carriers (Section 2.3).

- **Regulating market power, not business models**: The competition-related provisions of the proposal are not justified and must be removed.

[3] COM(2026) 231, Article 3(2)(b) and (3): "of two or more transport operators in the same mode". An air-only OTA or a rail-only retailer is a 'multimodal' digital mobility service within the meaning of the proposal.

[4] SWD(2026) 300, section 1.2: "The revised Directive on Unfair Commercial Practices prohibits undisclosed advertising and paid promotion for higher ranking of products within search results on MDMS."

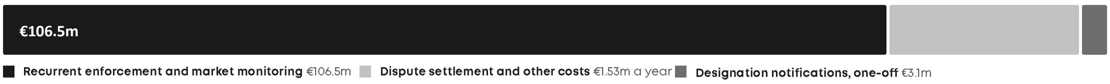
- **Protecting a useful consumer display:** the closed list of default ranking criteria and the quasi-prohibition of sponsored results would make online travel search worse or unavailable for the consumers they claim to protect; they should be replaced by a high-level prohibition of undisclosed bias and guaranteed consumer filtering options. (Sections 5 and 6).

- **Avoiding a costly enforcement machine for a problem that has not been demonstrated:** based on the Commission's Impact Assessment, the Regulation's enforcement would cost national authorities EUR 135 million and platforms well over EUR 100 million in the attempt to regulate a market in which only four designations are even expected, in direct conflict with the EU's simplification and competitiveness agenda (Section 8).

Administrative burden according to the Commission's own figures

Present value, 2028 to 2050. The Impact Assessment invokes the 'one in, one out' principle, which does not appear to have bee n respected.

Member State authorities: EUR 135.4 million total



Platforms: EUR 92.9 to 127.7 million in adjustment costs

27 Member States each establishing a resourced, independent enforcement body.

4 Designations expected across the Union, on the Commission's own estimate.

Source: SWD(2026) 300, Tables 3, 5, 9 and 51, and s. 6.1.

Background

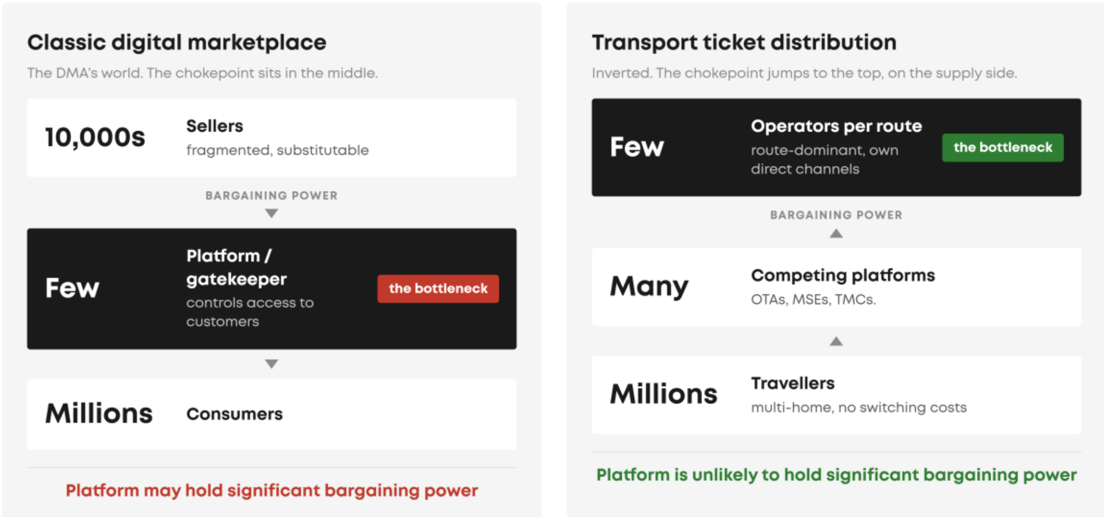
2. Competition in the distribution of transport tickets

2.1 Why a gatekeeper logic does not apply

The regulation of digital gatekeepers has become a feature of EU law through the Digital Markets Act and to a lesser extent the Digital Services Act; it rests on a particular market structure. In digital markets, a platform usually intermediates between a fragmented supply side, thousands of sellers offering largely substitutable goods, and a customer base the platform controls. Because any individual seller is dispensable to the platform while the platform's customers are not dispensable to the seller, bargaining power accrues to the intermediary, and conduct rules for the intermediary protect this dependent side.

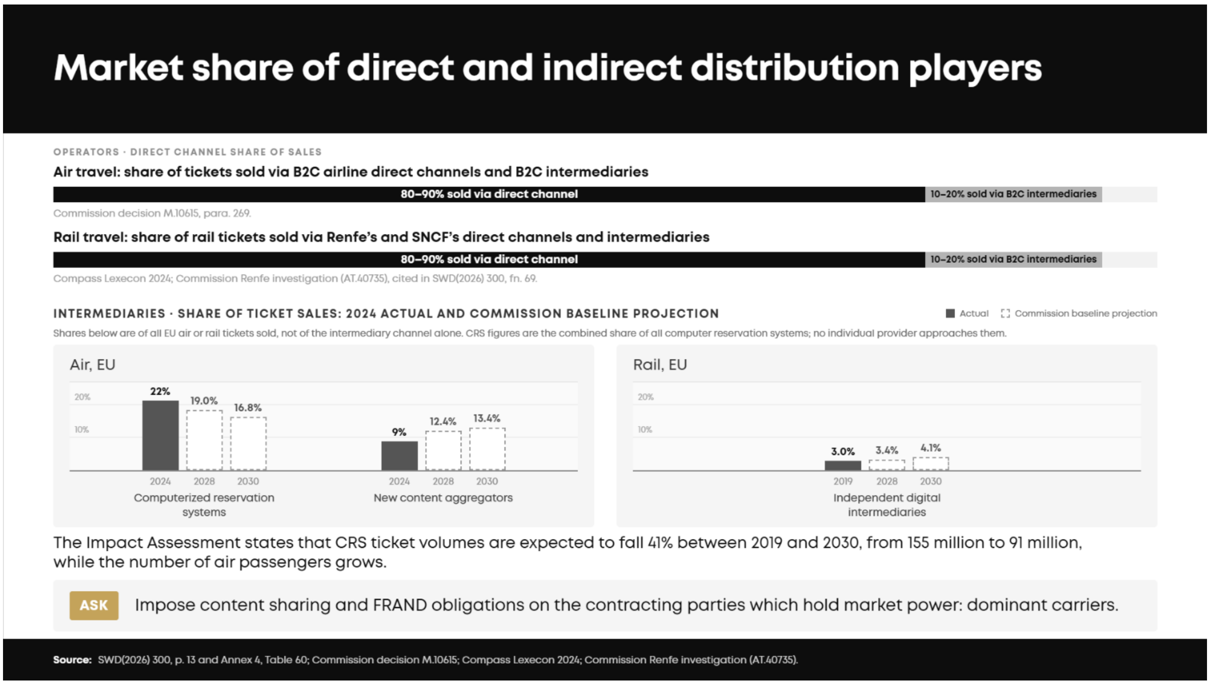
The transport ticket distribution market does not follow this structure. The demand side is fragmented: millions of travelers, each transacting occasionally, multi-homing freely across platforms that sit one click apart, with no switching costs, no lock-in and no network effects binding them to any intermediary. The supply side is concentrated at the level at which consumers shop: the route. A traveler living in Brussels who needs to travel to Madrid cannot be diverted to a flight to Vienna; transport products are not substitutable across suppliers in the way ecommerce marketplace or digital goods are. On a given city pair there are typically one to three operators; in domestic rail, frequently a single incumbent; in air, hub structures concentrate route-level supply in the hands of a small number of carrier groups. Each significant operator is therefore, for its network, a must-have supplier that no intermediary can substitute away; an OTA cannot source Brussels–Madrid seats from anyone but the carriers that fly Brussels–Madrid.

Market dynamics in most digital marketplace vs ticket distribution



The alternatives, which determine bargaining power, are equally asymmetric. Operators always command a viable direct channel: carrier websites and apps account for 80 to 90% of European flight ticket sales[5], as well as the majority of searches, and rail incumbents own the dominant retail platforms in their home markets. An intermediary, by contrast, has no alternative source of the product: content withheld is content lost, as the surcharging, fare-withholding and blocking practices documented in Section 2.3 demonstrate in operation. In a market in which one side can walk away and the other cannot, dependence runs from platform to operator; the proposal's premise that operators need protection from intermediaries thus inverts the dynamics of market power in this sector. No intermediary in this market is an important gateway through which operators must pass to reach travellers, since operators reach them directly and do so for most sales; and no intermediary's position is entrenched or durable, since travellers move between platforms at no cost and operators can withdraw content at will.

[5] Case M.10615, Booking Holdings / etraveli, para. 269.



2.2 Two-sided market structure

Travel intermediation is a two-sided business: the consumer side is served often free of charge, financed by the operator side through commissions and advertising. On the consumer side, competition between platforms is intense and contestable; platforms compete vigorously on the comprehensiveness of their offer, comparison quality and price transparency, which is why comprehensive search and booking is available to every European traveler at often no or very low charge. On the operator side, in concentrated markets, route-dominant carriers extract terms rather than concede them: distribution cost charges are imposed onto indirect bookings, basic fares are withheld from intermediary channels, ancillaries are reserved for direct sale, marketing restrictions are imposed by commercial agreement. The relationship is tilted towards the operators, not the platforms; an intermediary sector earning platform-style rents would not be the sector in which the Commission's own Impact Assessment records distribution charges being unilaterally imposed on it and its content being withheld at will (Section 2.3).[6]

The Impact Assessment argues this dependence runs the other way in the B2B segment, where business-to-business aggregators intermediate between carriers and final ticket sellers. It points to the single-homing of travel agents to CRSs; but that single-homing describes the historic relationship between agents and their chosen CRS, not any dependence of operators on intermediaries; and it is disappearing when considering the assessment's own data, as aggregators built on new distribution standards connect carriers directly to agents and the CRS share declines. Based on the Commission's own figures, the total combined CRS share (i.e. all CRSs/GDSs combined) of EU air ticket sales fell from roughly 30% in 2019 to 22% in 2024, while non-CRS content aggregators more than doubled their share of distribution channels, from 4% to 11%, over the same period.[7]

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[6] SWD(2026) 300, section 2.1.2 (fare withholding) and Annex 9 (distribution cost developments); on the January 2026 distribution cost charge increase, Aviation Direct, 5 December 2025.

[7] SWD(2026) 300, section 2.2.1: the share of tickets booked via a CRS for flights "decreased from approximately 30.1% in 2019 to 22% in 2024" in the EU, while diversification towards non-CRS content aggregators "more than doubled over the same period, growing from 4% to 11% of total distribution channels used"; the assessment attributes the CRS's residual position to the

In ticket distribution, market power follows control of the product, and the product is controlled by a small number of operators per route. A Regulation that imposes gatekeeper-style conduct rules onto transport intermediaries inverts the economics of the market it regulates (Section 2.3).

2.3 Rights without obligations for dominant airlines

The premise underlying this proposal is that intermediaries are the source of market problems in ticket distribution. The European enforcement of competition law shows this premise to be inaccurate. It is dominant transport operators and their vertically integrated distribution channels, not independent platforms, that competition authorities across Europe have repeatedly found, or are investigating, for restricting independent distribution to the detriment of consumers:

- the German Bundeskartellamt found in 2023 that Deutsche Bahn abuses its dominant position in the ticketing market through, among other practices, unfair remuneration of third-party mobility platforms, and imposed a remedy framework including a cost-based remuneration methodology;[8]
- the European Commission accepted commitments from Renfe in the online rail ticket distribution case, after a preliminary finding that the withholding of content and real-time data from rival ticketing platforms risked foreclosing independent distribution in Spain;[9]
- the Swedish Competition Authority closed proceedings against Finnair with commitments, after investigating Finnair's prohibition on online travel agencies marketing prices below Finnair's reference prices on metasearch sites, a direct restriction of price competition in distribution;[10]
- the Italian competition authority fined Ryanair EUR 255 million for an abuse of dominant position concerning its conduct towards online travel agencies, including the refusal to allow third-party bookings and the obstruction of intermediaries acting on consumers' behalf; this constitutes the largest single European fine ever levied against an airline for an infringement of competition law.[11]

"symbiotic relationship between CRSs and traditional travel agents and dynamics such as single homing of travel agents" (ibid., footnote 58).

[8] Bundeskartellamt, decision of 26 June 2023, Case B9-144/19 (Deutsche Bahn / mobility platforms). The remuneration element, based on a long-run average incremental cost (LRIC) methodology, is under appeal before the Higher Regional Court of Düsseldorf; see MLex, "Ticket sellers laud EU focus on 'fair' conditions in rail-operator contracts", 15 May 2026.

[9] European Commission, Case AT.40735 – Online rail ticket distribution in Spain (commitments decision of 17 January 2024).

[10] Konkurrensverket, Case Dnr 11/2020 (Finnair).

[11] Autorità Garante della Concorrenza e del Mercato, Case A568 (Ryanair).

Enforcement regarding carrier restrictions of indirect distribution

AGCM · Italy · until 2025

Ryanair, €255m

Fined for abuse of dominance over its conduct towards OTAs. The largest single European competition fine against an airline (A568).

Bundeskartellamt · Germany · June 2023

Deutsche Bahn

Found to abuse its dominant position in ticketing, including unfair remuneration of third-party platforms. Remedy framework imposed (B9-144/19).

European Commission · Jan 2024

Renfe

Commitments after a preliminary finding that withholding content and real-time data risked foreclosing independent distribution (AT.40735).

Konkurrensverket · Sweden · 2020

Finnair

Commitments after investigating restrictions on OTA price marketing via metasearch (Dnr 11/2020).

Sources: Bundeskartellamt B9-144/19; Commission AT.40735; Konkurrensverket Dnr 11/2020; AGCM A568.

Beyond formal cases, dominant transport operators routinely use a toolkit of restrictions to limit the distribution of their tickets by third parties: withdrawal of basic fares from indirect channels; surcharges on tickets purchased through indirect channels, ancillary content withheld from indirect channels; marketing and advertising restrictions such as metasearch bans and brand-bidding prohibitions; and unreasonably low look-to-book ratios that penalize comparison itself. The Impact Assessment states that airlines openly argue they should be able to withhold their cheapest fares from intermediary channels.[12] These practices narrow the comparison available to consumers and raise rivals' distribution costs; none of them are addressed by this proposal.

Consumer bodies quoted in the Impact Assessment confirm this finding: the European Passenger Federation "stressed that the real issue lies in operator SMP and the restrictions they impose in contractual agreements rather than in commercial bias of independent MDMS platforms".[13] Where the Impact Assessment does document display bias, its examples are exclusively the platforms of vertically integrated operators, not independent ones: DB Navigator's default "fastest connection" setting favoring DB's own high-speed services, and SNCF Connect systematically proposing TGV routings over cheaper and faster intercity alternatives.[14]

Read together with the Rail Ticketing Regulation ("**RTR**") the package strikes a bargain for rail. Railway undertakings obtain new protections against intermediaries under this proposal: confidentiality guarantees, prohibitions of exclusivity and unfair conditions, FRAND remuneration for MDMS services, neutral display of their products and access to marketing data. eu travel tech contests the necessity of several of those protections, but

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[12] SWD(2026) 300, section 2.1.2: "airlines argue they should be able to withhold certain fares (notably cheapest fares) from these channels when distribution costs exceed the benefits."

[13] SWD(2026) 300, section 2.2.2 (stakeholder views on Problem Driver 2).

[14] SWD(2026) 300, section 2.2.2, including the EPF example on Nantes-Bordeaux routings in SNCF Connect, and footnote 107 on DB Navigator (reported by WestBahn and AllRail).

at least they are counterbalanced: under the RTR, railway undertakings must share their ticketing content with independent intermediaries and contract with them on fair, reasonable and non-discriminatory terms ("**FRAND**"), including regarding remuneration. The two proposals create both rights and obligations on both sides.

For air, the bargain is one-sided in its entirety. Dominant airlines receive every protection this Regulation grants to transport operators with regard to the intermediary channels they choose to use, while bearing no content-sharing or FRAND obligation . A dominant carrier can refuse content to an independent platform, withhold its cheapest fares, surcharge indirect bookings and prohibit marketing of its prices; and where it nonetheless deals with an intermediary, this Regulation steps in on the carrier's side, guaranteeing it FRAND remuneration levels, neutral display and data access. The Regulation thus arms the strongest party in the vertical relationship against the weakest. This is a structural flaw of the proposal.

The asymmetry is compounded by drafting choices within this proposal that may reasonably be described as surgical. Code-shared and interlined products, meaning the mechanisms through which airline platforms sell other airlines' services, are deemed by Article 3 and Recital 7 to be products of the marketing carrier only, keeping airline.com out of the MDMS definition (Annex (Article 3)). Meanwhile the Impact Assessment classifies incumbent rail operators' platforms that sell third-party tickets as "indispensable RU platforms" squarely within scope.[15] This means that the same function, selling third-party transport on an operator-owned platform, is strictly regulated for railways in both RTR and MBR but carved out from obligations for airlines. The proposal and Impact Assessment provide no comprehensive reasoning as to why this policy choice was made.

- **Problem:** the Regulation grants dominant airlines every protection it gives rail yet imposes none of the matching obligations; read together with the RTR, railways are confronted with content-sharing and FRAND duties while airlines have no obligations of any kind as the codesharing and interlining carve-out keep airline platforms selling rivals' flights out of scope altogether.
- **Fix:** extend the content-sharing and FRAND framework of the RTR to dominant air carriers, so that the rights granted to airlines under this Regulation are matched by obligations of equivalent weight; the detailed positioning is set out in the eu travel tech paper on the RTR. Within this Regulation, delete the codeshare and interline carve-out (see Annex, Article 3(2) and (3)).

3. From the CRS Code of Conduct to the Multimodal Booking Regulation

3.1 The problem addressed by the CRS Code of Conduct

The MBR's display and conduct rules are not new; the proposal transposes them, in places word for word, from the CRS Code of Conduct[16]. Understanding what those rules were designed to achieve is therefore essential to judging their merit today. The Code was written for a market in which the airlines owned the electronic reservation systems: the major CRSs were created and controlled by carrier consortia, and a system owned by an

[15] SWD(2026) 300, section 5 and Figure 7: incumbent railway undertakings' ticketing platforms selling third-party tickets are identified as "indispensable RU platforms", a sub-category of indispensable MDMS platforms.

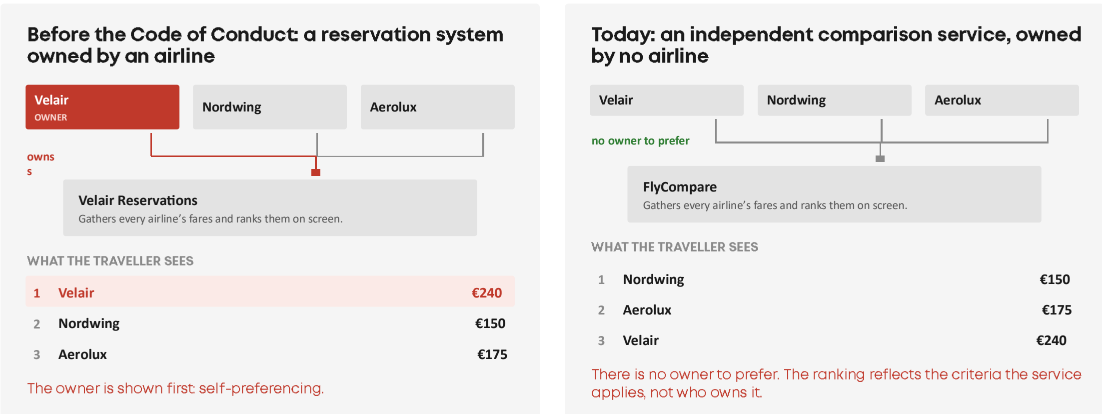
[16] Council Regulation (EEC) No 2299/89, recast as Regulation (EC) No 80/2009; the correspondence is set out in the proposal's own correlation table (Annex II) and acknowledged in SWD(2026) 300, Annex 9.

airline had both the incentive and the ability to bias displays, functionality and data access in favor of its parent airline and against its parent airline's competitors. Display neutrality, equal treatment of participating carriers and the elaborate parent-carrier rules existed to address this specific conflict of interest in a consolidated market: an operator's incentive operating inside the distribution channel. The Code, in other words, was self-preferencing regulation.

3.2 A problem that no longer exists

This conflict of interest no longer exists in air ticket distribution. The proposal's own Recital 25 states that "the specific rules for parent carriers are no longer relevant as airlines have fully divested their CRS ownership"[17]; today's CRSs and aggregators are independent intermediaries with no operator to prefer, whose commercial value lies in neutral comparison of content. The United States Department of Transportation therefore allowed its CRS rules (comparable to those of the EU) to sunset in 2004, finding that divestiture and competition in distribution had removed the rationale for display and conduct regulation[18], and twenty years of US experience since have produced no re-emergent display-bias failure requiring re-regulation. The proposal acknowledges the same premise but it draws the opposite conclusion: instead of retiring rules whose rationale has disappeared, it extends them to an entire segment of undertakings, OTAs, metasearch engines, travel management companies ("**TMCs**") and aggregators, which never showed the conflict of interest the rules were designed for. Rules built to constrain an owner's bias are being imposed on businesses that have no owner-operator and whose model depends on credible and unbiased comparison.

Self-preferencing addressed by the CRS Code of Conduct, and today's reality



Source: Reg. (EEC) No 2299/89; COM(2026) 231, Rec. 25.

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17 COM(2026) 231, Recital 25; likewise SWD(2026) 300, section 2.2.1: "in the current market situation, with no airlines having a controlling right in B2B MDMSs, provisions of the Code of Conduct relating to parent carriers are no longer relevant".

18 US Department of Transportation, Computer Reservations System (CRS) Regulations, Final Rule, 69 FR 976 (7 January 2004), terminating 14 CFR Part 255 with effect from 31 July 2004.

The Impact Assessment's own first problem driver, regulatory obsolescence, supports this assessment. The CRS Code of Conduct no longer fits a market transformed by direct distribution, new standards and new aggregators; eu travel tech agrees, and the consequence must be repeal and targeted replacement, not the transposition of obsolete rules onto a wider segment of intermediaries that they were never designed to cover in the first place. The stakeholder statements regarding this problem driver also do not support a wider intervention[19]; and the airline-side demand recorded in the assessment, extending neutrality rules to all MDMS including OTAs[20], is not evidence of a market failure; it is the commercial preference of suppliers for constraints on their distributors, which Sections 2 and 3 have shown to be the stronger side of the relationship asking for more leverage.

Recital 10 further states that the "*strategic position of B2B MDMS providers enables them to influence carriers' access to travel agents and travel management companies and therefore to end users*". The Impact Assessment cites no investigation, complaint or enforcement decision to support this assertion; the only stakeholder submission supporting a strategic position of MDMS providers concerns consumer-facing platforms.[21]

3.3 Where the Code's logic points today: integrated rail platforms and the RTR

If the Code's underlying logic, to regulate the display where its owner has an operator's incentive, has a contemporary application, it is not air distribution but rail. Incumbent railway undertakings own the dominant ticketing platforms in their home markets; the Impact Assessment identifies nineteen such "indispensable RU platforms" and builds its fourth problem driver on their vertical integration[22], and its only substantiated display-bias examples are exactly these platforms: DB Navigator's default favoring DB high-speed services, SNCF Connect's TGV-first routings (Section 5.3). The structural parallel with the 1980s CRS problem is evident: an operator controls a distribution channel and uses it to unfairly favor its own services. This equivalence is only valid for platforms owned by an operator. Platforms independent from transport operators sell the services of competing carriers and hold no inherent interest in which of them a traveller chooses, meaning the conflict at the heart of the Code of Conduct is absent. The Impact Assessment highlights this by finding no substantiated display-bias example involving an independent rail platform; all cases it cites concern an operator-owned platform."

eu travel tech's position follows this parallel. Self-preferencing concerns regarding rail operators are legitimate and should be addressed where the incentive lies: in the RTR, the instrument the Commission has proposed for rail vertical integration, through content-sharing, FRAND contracting and the obligations for integrated incumbent platforms. By contrast, the MBR detaches the CRS Code of Conduct's provision from the conflict of interest that justified them, and applies them horizontally to independent intermediaries, while the integrated airline channels that most resemble the old parent-carrier configuration, carrier platforms selling codeshare and interline partners' products, are

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[19] SWD(2026) 300, section 2.2.1 (targeted survey results on Problem Driver 1): of the 27 transport operators expressing a view, 11 partially disagreed that the first problem driver identifies the causes of the problem and only 2 agreed.

[20] SWD(2026) 300, section 2.2.1, footnote 103: five airlines and one industry group "advocated for the extension of the non-discrimination and neutrality provisions to all MDMS platforms, including unregulated actors like OTAs".

[21] SWD(2026) 300, section 2.2.3.

[22] SWD(2026) 300, Figure 7 and section 2.2.4 (Problem Driver 4).

defined out of scope (see Annex, Article 3(2) and (3)). A Regulation faithful to the Code's own logic would do the reverse: discipline integrated channels in both modes and leave independent comparison to the competition that already disciplines it.

- **Problem:** the proposal transposes the Code's anti-self-preferencing rules onto independent intermediaries that have no owner to favor.
- **Fix:** address operator self-preferencing where the incentive exists and harm has been demonstrated, through the RTR for rail and through the codeshare and interlining corrections to this Regulation for air (see Annex, Article 3(2) and (3)); do not transpose conflict-of-interest rules onto independent intermediaries that have no conflict of interest.

Consumer protection

4. Conceptual flaw: the only genuine concern is vertically integrated self-preferencing

The consumer-protection provisions of this proposal, above all the neutral-display regime of Article 7, rest on a premise the Impact Assessment does not substantiate: independent intermediaries in both air and rail are currently unregulated, and they bias what they show consumers.[23] As Section 2.2 sets out, the Code of Conduct from which these rules are taken was written to address a specific conflict of interest: the bias of a distribution channel owned by a transport operator. That conflict no longer exists in air ticket distribution and it does not arise in independent rail distribution either. It does exist in the vertically integrated ticketing platforms of rail incumbents but it is the subject of the RTR, not of horizontal display rules imposed on independent comparison services that have no operator to prefer and whose business model relies on acting as a neutral intermediary.

Nonetheless, the proposal effectively creates a product specification through its obligations. The display restriction confines every platform to a single closed list of ranking criteria and determines the order in which results appear by default. Independent intermediaries compete based on the relevance of their results and on the way those results are presented; the proposal removes this key factor of competition, which reduces incentives to innovate and distinguish what is offered to consumers. The sections that follow take each consumer-protection provision in turn, identifying first the concern the Commission raises and then the proportionate fix for the current proposal.

5. Neutral display: a regime that would make travel search worse

5.1 What the provisions achieve in practice

Three main types of obligation are applied to the display of offers by MDMS:

- **Article 7(2)** imposes a free-standing duty to display results "in a neutral and comprehensive manner, without discrimination or bias";
- **Article 7(4)** requires the paragraph 5 criteria to be applied on a non-discriminatory basis and prohibits any ranking factor "directly or indirectly related to the transport operator's identity, unless explicitly required by the end user or business user";

[23] SWD(2026) 300, section 2.2.2: the Impact Assessment states that there are "no rules governing how results are displayed",. While acknowledging that those results arise "despite rules on unfair commercial practices (as outlined in section 1.2)". See also section 1.2 and footnote 3 above.

- **Article 7(5)** confines the default ranking of every MDMS to a closed list: final price, travel time, GHG emissions, CO2-equivalent emissions, departure time for single-leg products, departure and total travel time for connections, and accessible transport services for persons with disabilities or reduced mobility;
- **Article 7(10)** permits other criteria only "if explicitly requested".

The "one or more" formulation of paragraph 5 appears to permit blended rankings based on the criteria contained therein.

Before turning to the individual defects, a policy choice underlying all of these provisions should be identified. Every prohibition in this regime protects transport operators from display outcomes they may dislike: ranking by quality, by loyalty value, by the user's own history. The cost falls on users, who lose the defaults that make search useful, and on the independent intermediaries whose service consists in how results are selected and presented. On the other hand, the operator-side concern is unfounded based on the Impact Assessment's own findings: its substantiated display-bias examples concern the platforms of vertically integrated operators, not independent ones (Section 5.3). Complaints about independent platforms remain at the level of surveyed perception, with the consumer side of the consultation results calling out operators instead[24]. A provision presented as consumer protection thus elevates the unevidenced concerns of operators above the demonstrated usefulness interests of consumers; the five defects below are the consequences of this policy choice.

5.2 Structural defects of the neutral display obligations

First, the proposal contradicts itself: Recital 25 states that the neutral display rules inherited from the CRS Code of Conduct should be updated "to offer all providers greater flexibility for ranking transport products in accordance with new technological developments"[25]; Articles 7(4) and (5) do the opposite, taking an obligation written for travel-agent terminals and extending it, more rigidly, to the entire consumer internet. And it goes beyond what consumer representatives asked for: the Multimodal Passenger Mobility Forum's 2023 final report, supported by consumer bodies, identified mandatory filter options, not mandated default rankings, as the proportionate intervention.[26] These are two fundamentally different obligations: the proposal currently requires intermediaries to rank and display offers in a specific way in the default display all users reach upon an initial query. Consumer groups have asked for filter options, meaning an obligation to provide users with filters to rank offers by a specific criterion like price or emissions.

Second, the regime prohibits ranking by quality: Punctuality statistics, cancellation rates, reliability scores, customer-service ratings and passenger satisfaction would not be permissible as ranking factor in the default display. A Regulation presented as consumer protection thus forbids platforms from defaulting to the criterion consumers care about

[24] SWD(2026) 300, section 2.2.2: the documented examples (DB Navigator, SNCF Connect) concern operator-owned platforms; operator views on independent platform bias are recorded as survey responses and 'perceived bias' without substantiating cases; the EPF located "the real issue" in operator market power and contractual restrictions "rather than in commercial bias of independent MDMS platforms".

[25] COM(2026) 231, Recital 25.

[26] Multimodal Passenger Mobility Forum, Final Report (2023), recommendations on MDMS display.

most after price and convenience: whether the operator provides a quality service. The same ban catches frequent flyer program membership and status, which materially change the value of a given service through baggage allowances, lounge access and upgrade probability, and diversity, which ensures different types of operators are displayed early on in the ranking (for example, a low-cost carrier and a national carrier, or an air carrier and a rail operator). It also does not allow platforms to take aggregated consumer preference over time into account.

Third, the closed list outlaws the industry-standard "best" sort: Modern travel search often uses a composite ranking weighting price, duration and convenience factors such as connection quality, self-transfer risk, stop airports and time-of-day reasonableness. Convenience components are not on the list; a blend that includes any of them is no longer "based on one or more of the following criteria". This means platforms must degrade their existing offer and will likely converge on highly similar bare price/duration outputs, eliminating display innovation as a competitive parameter, while the Impact Assessment claims the initiative will foster innovation and support competition.

Fourth, the regime misapplies its central concept: The term 'neutral' is not defined anywhere in the Regulation. Article 7 (2) requires that "when *MDMS providers display transport products or a combination of transport products, they shall do so in a neutral and comprehensive manner*", adding the qualifier "*without discrimination or bias*". Article 7 (4) and (5) may be read as an operationalization of Article 7 (2) by providing a specific ranking obligation and criteria, but they solely use the term "*non-discriminatory*". The Recitals also do not elaborate on the meaning of the term neutrality but state that "*transport products presented to business users and end users on B2B and B2C MDMSs should be displayed in a manner that ensures no transport operator is unfairly favoured over another transport operator*".[27] The Regulation thus appears to use the terms neutral and non-discriminatory interchangeably and to give neutrality no substance beyond non-discrimination.

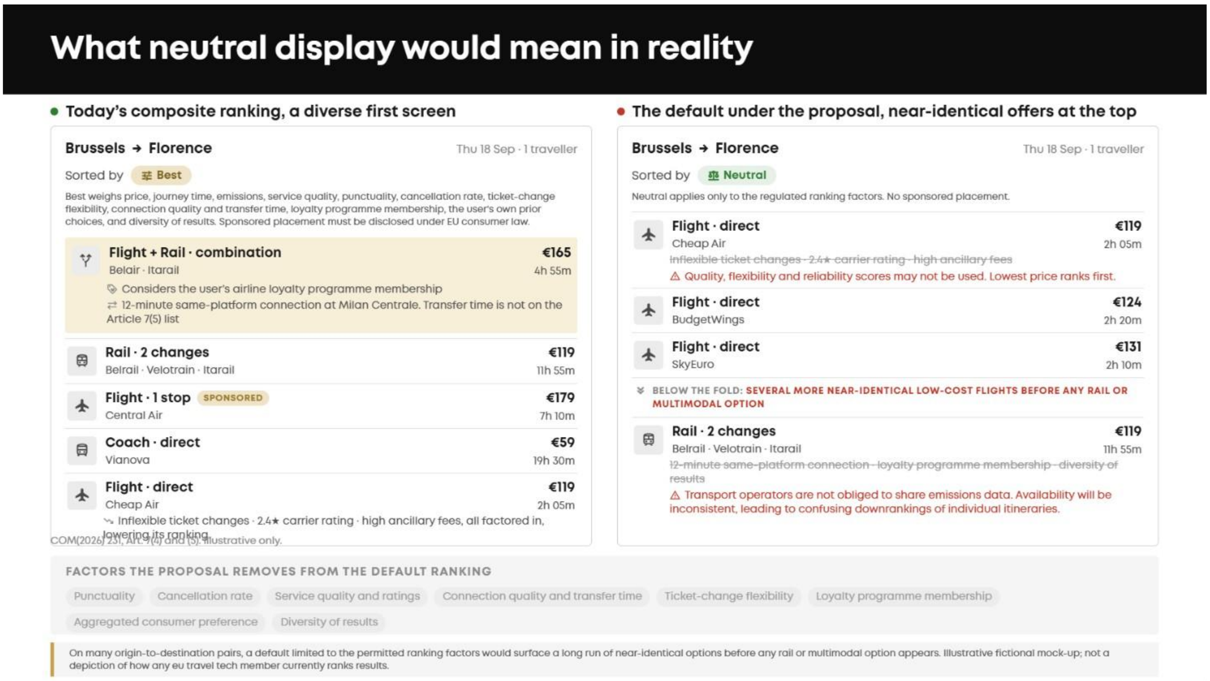
As the term neutrality is not defined and, in any case, non-discrimination is the operative concept under Article 7, it must be assessed whether Article 7 (4) and (5) introduce obligations which are aligned with the concept of non-discrimination. Non-discrimination is a central concept in Union law, well identified with the reference to "*factors directly or indirectly related to the transport operator's identity*". In essence, it requires that comparable situations must not be treated differently and different situations must not be treated in the same way unless such treatment is objectively justified. The closed list of criteria under Article 7 (5) goes far beyond the aim of non-discrimination of carriers in intermediaries' ranking of offers. A consistent reading of the concept of non-discrimination, which the regulation should reflect instead of prescribing inflexible ranking criteria, would entail that all intermediaries apply criteria without bias across operators, including bias due to underlying remuneration or commercial agreements.

Non-discrimination does not entail a degradation of the ranking and comparison service by reducing the number of permissible criteria and excluding a wide range of ranking criteria which consumers may find useful. Criteria like service quality, diversity of results or loyalty membership are not discriminatory merely because they lead to operators finishing in different positions. A ranking by such additional criteria leads to a sorting of operators by what they offer. The same applies to a default informed by the user's own prior choices or preferences. Such criteria are applied identically to every operator, and

[27] COM(2026) 231, Recital 15.

which operator benefits is determined by the user, not by the intermediary. Article 7 (5) thus simply operationalizes the non-discrimination obligation in an incorrect manner, to the detriment of users.

Finally, nothing in this proposal will make rail or multimodal itineraries more visible to consumers or easier for them to book. The likely consequence of Article 7(5) is that platforms revert to a simplistic ranking based on the two listed ranking factors consumers care about: price and travel time. Rail and multimodal itineraries tend to lose on both counts – they are often more expensive and take longer than flight-only itineraries. Even if services account for emissions in their ranking it would not counterbalance this effect: consumer research consistently shows that users act upon emissions information only where their more important preferences on price and travel time are fulfilled, so it would never beat out these factors in a ranking weighting. Absent the ability to diversify the ranking across itineraries (not a permitted ranking factor), uprank rail and multimodal content, or even to account for aggregated consumer preferences, the itineraries that give the regulation the name will be those consumers will struggle most to discover.



5.3 Display bias is only relevant for vertically integrated platforms

The Impact Assessment's second problem driver alleges commercial incentives of MDMS to promote certain operators or products, but its evidentiary basis for independent platforms is survey perception: operators "fearing" paid-prominence effects, "perceived bias" reported in the 2020 evaluation's interviews.[28] Where the assessment substantiates display bias with named examples, every example is the platform of a vertically integrated operator: DB Navigator's default "fastest connection" favoring DB high-speed services over WestBahn and other rivals, and SNCF Connect proposing TGV routings over better intercity alternatives.[29] Self-preferencing by integrated incumbents exists, and it is

[28] SWD(2026) 300, section 2.2.2 and footnotes 105 and 107; the 2020 evaluation references concern reports by CRS providers, travel agents and a technology company regarding metasearch engines.

[29] SWD(2026) 300, section 2.2.2 and footnotes 108-109: the countervailing record in the same section is direct, with thirteen of the MDMS platforms surveyed telling the Commission that the problem "mainly arises in the context of vertically integrated

exactly what the RTR should address for rail; independent intermediaries, by contrast, have no integrated operator to prefer, and their business model depends on credible comparison: a comparison site that distorts its results destroys its own product. This means that self-preferencing should be addressed where vertical integration creates the incentive, and should require transparency about commercial influence everywhere, rather than flattening the displays of the platforms that supply the comparison consumers rely on.

5.4 The solution: prohibition of undisclosed bias, clarified obligations, guaranteed user choice

eu travel tech proposes replacing the display architecture of Article 7 as a whole, centered on paragraphs 2, 4 and 5, with three elements:

- **A transparency principle:** MDMS providers shall not rank or display transport products on the basis of undisclosed factors and shall clearly indicate the main parameters determining any default ranking, consistent with Article 5 of the P2B Regulation and Article 27 of the DSA. This captures the legitimate core of "neutral display", transparency about what drives the ranking, without dictating its content.
- **Clear concepts and interpretation**: as the concept of "neutral display" appears to hold no interpretative value beyond a restatement of non-discrimination, it should be removed from the proposal. Non-discrimination should underpin Article 7 via Article 7(2). The "explicitly required" wording in Articles 7(4) and 7(10) should be read to cover preferences a user has configured and instructions given by a business user, not only a request made at the moment of search.
- **Guaranteed filter options:** users must on request be able to rank by each of the paragraph 5 criteria individually through selectable filters, as stated in Article 7(8). This is an obligation which enables consumer choice and reflects demands of consumer bodies.[30] For persons with disabilities and passengers with reduced mobility in particular, the filter options may be more useful as a simple binary accessible/non-accessible filter rather than a change to ranking factors, as platforms do not have sufficient information to rank offers by accessibility due to lack of unified definitions, data sources, standards and the diverging needs between different users.

The further-reaching duty in Article 7(8) to let users freely combine any of the criteria "in any order" should, by contrast, be removed. The provision does not define how combined criteria are meant to interact, leaving providers to guess at its meaning and therefore confronted with a lack of legal certainty and possible diverging national enforcement approaches; implementing free multi-criteria combination across results assembled in real time from dozens of operator and aggregator feeds is a significant engineering exercise for metasearch engines and OTAs in particular which risks increasing latency and reducing service quality; and it serves a function for which no user demand is demonstrated. Individual ranking options for every listed criterion deliver the same outcome at a fraction of the complexity while safeguarding legal certainty.

platforms", and designated railway undertakings with significant market power "fully" disagreeing with the driver in respect of independent platforms' effects.

[30] Multimodal Passenger Mobility Forum, Final Report (2023): the consumer-interest section recommends mandatory filter and sorting options on the listed criteria, not mandated default rankings.

- **Problem:** the neutral-display chapter forbids the very ranking signals travelers rely on, degrading the display based on a closed list that serves operators over users. It sterilizes transport search of competition and innovation and reduces the usefulness of the very platforms consumers use to discover new options including alternative modes of transport, prohibitingrankings based on consumers' collective preferences over time for a simplistic and information-poor display.

- **Fix:** replace the neutral display obligation in Article 7(2) with ranking-parameter transparency; retain non-discrimination in Article 7(4) as the central concept; convert Article 7(5) from a mandatory default ranking into the criteria users are entitled to apply via filtering; amend Article 7(8) to guarantee each of those criteria individually, whether to reorder or to narrow results, while removing the obligation to offer free combination of criteria "in any order"; and delete the first sentence of Article 7(10), which is no longer required once the default ranking is not prescribed.

5.5 Fare information and ancillary services

Art. 7(6) requires MDMS providers to present final prices and, for air services, to do so in accordance with Article 23 of Regulation (EC) No 1008/2008, under which optional price supplements must be communicated in a clear, transparent and unambiguous way at the start of any booking process.[31] Article 7(3) requires transport operators to ensure that the data they submit is accurate, up to date and allows the provider to comply with the rules set out in Article 7.

Recital 16 specifies the interaction of these provisions under Article 7 by stating that air carriers and B2B MDMS providers should ensure that B2C MDMS providers receive information on fares in such a way that those intermediaries can fulfil their obligations under Article 23 of Regulation (EC) No 1008/2008. The intention expressed in the Recital is not expressed with significant clarity in Article 7, as there is only an obligation for carriers to ensure data is accurate and up to date, no obligation for carriers to share data in the first place.

The Regulation therefore requires intermediaries to display what they may be unable to obtain. The same asymmetry is visible in Article 9: the Regulation establishes an obligation for intermediaries to display information they may not hold; no obligation is placed on carriers to supply the underlying emissions information. This oversight reduces consumer welfare, as prices and conditions of optional services withheld by carriers mean the fare shown on an intermediary cannot be compared with the same fare on the operator's own site, and a traveller carrying a bag must leave the comparison environment to establish what it costs.

Even where lawmakers have attempted to enhance transparency and comparability in travel, this data asymmetry continues to hamper it. The recently reached compromise on the revision of air passenger rights, amending Regulations (EC) No 261/2004 and (EC) No 2027/97, includes a requirement for air carriers and intermediaries to display, by default, the fare inclusive of a piece of hand baggage before the start of any booking process (new Article 11a). Furthermore, air carriers and intermediaries must, at the point of booking, clearly indicate the maximum baggage allowance "in terms of dimension and weight" for both cabin and hold baggage, for the fare and each flight in the reservation. This poses an impossible challenge for intermediaries: Neither the Air Services Regulation nor the

[31] Regulation (EU) 1008/2008, Article 23.

compromise text oblige air carriers to share the information on ancillary services that intermediaries are obligated to display. Absent a solution, this does nothing to improve transparency for consumers and could even mean that intermediaries must suppress the fares for which no hand baggage data is available. The Commission has itself pointed at Article 7(3) of the MBR presents as an opportunity to remedy this gap, by ensuring that air carriers must share the data required for intermediaries to comply with the legal obligations under the amended Regulations (EC) No 261/2004 and (EC) No 2027/97.

Additionally, transparency without the ability to transact is incomplete. A provider required to display the price of an optional service but not permitted to sell it must direct the traveller to the operator's own channel to complete the purchase. The display obligation would in effect function as a means of directing consumers to direct channels by limiting comparison utility and convenience on MDMS.

This problem is not confined to air travel. Recital 16 and Article 23 of Regulation (EC) No 1008/2008 concern air services, but this Regulation applies across modes, and the same problem arises wherever an operator prices ancillaries related to the journey separately. Nor is it confined to consumer-facing providers. Article 23 of Regulation (EC) No 1008/2008 does not extend to business-to-business intermediaries, and the equivalent obligations on system vendors in Annex I to Regulation (EC) No 80/2009 are repealed by this proposal. By not extending the intended display and information supply obligations to B2B channels, the B2C channels distribute tickets by transacting through B2B channels would be forced to offer a worse service.

Problem: Recital 16 refers to an obligation which the Regulation's main text does not establish with sufficient clarity. Article 7(3) governs the quality of the data an operator submits rather than what it must submit, Article 7 overall establishes differentiated treatment between transport modes.

Fix: amend Article 7(3) to require transport operators to submit the information providers need to display final prices and the conditions applicable to the transport product, including optional price supplements and other ancillary services, on the same terms on which that information is available in their own distribution channels; insert a new Article 7(3a) requiring transport operators to allow MDMS providers to offer and sell those services; and amend Recital 16 accordingly (see Annex, Article 7(3), new Article 7(3a) and Recital 16).

6. Sponsored results (Article 7(11))

6.1 An unprecedented and extremely far-reaching shift from transparency to authorization

Horizontal EU law thoroughly governs paid ranking through transparency: the UCPD prohibits undisclosed advertising and paid promotion in search results[32]; the DSA requires clear, real-time identification of advertising on online platforms[33]; the P2B Regulation requires disclosure of any possibility to influence ranking against remuneration[34]. Article 7(11) abandons that model for one of prior authorization: paid prominence – even where it

[32] Directive 2005/29/EC as amended by Directive (EU) 2019/2161, Annex I, point 11a; see also SWD(2026) 300, section 1.2.

[33] Regulation (EC) 2022/2065, Article 26.

[34] Regulation (EU) 2019/1150, Article 5(3).

is clearly marked as such - "*shall only be available upon request by the end user*". No instrument of Union law, not even the DMA, prohibits advertising as such and in fact, advertising is allowed on one of the main competitors of mobility platforms - Google Search; the DMA prohibits self-preferencing by gatekeepers, a different conduct with a different rationale. The proposal identifies no failure of the transparency framework that would justify such a change.

The provision's opt-in approach does not provide realistic relief. Consumers do not "request" sponsorship of their own volition in the understanding that this choice would enable a business model favorable to their interests in the long run. The opt-in describes unrealistic user behavior, and the provision is in substance a ban on sponsoring in rankings.

6.2 Advertising and free consumer comparison

Sponsored prominence in this market concerns a small number of clearly identified placements, while organic ranking is unaffected by underlying payments between carriers and intermediaries. Article 7(11) thus addresses whether a limited and labelled placement of advertising may appear in query results at all. The proposal does not identify what harm disclosed, clearly marked paid placement causes. The Impact Assessment's findings on commercial incentives are based solely on operators reporting perceived bias recorded in interviews (Section 5.3); no consumer detriment from clearly labelled sponsored results is identified. Nor is it explained why these services should be treated more strictly than digital platforms in any other sector, including even undertakings designated under the Digital Markets Act, which does not restrict their ability to display advertising.

Metasearch and comparison services are two-sided: operators fund click-through costs and sponsored placement; the platform converts that revenue into comprehensive search, comparison and booking tools that consumers use free of charge. Sponsorship, clearly labeled, is an essential monetization strategy for the very service the Commission wants to see flourish. Prohibiting it removes the revenue without removing the costs: coverage weakens, investment in comparison quality falls, and users turn their backs on the services they no longer consider useful. In consequence, some services may experiment with introducing paywalls or increasing commissions (recovered through prices) – but the more realistic outcome in this highly contested low-margin business is comparison platforms face an existential threat to their ability to offer their service to EU consumers. Sponsored placement is also the visibility channel through which smaller carriers and new entrants contest incumbents that enjoy organic brand recognition; banning it entrenches exactly the dominant operators the package elsewhere claims to discipline. And the beneficiaries of weakened independent comparison are the carriers' direct channels, already at 80 to 90% of air distribution and untouched by this Article (Section 2.3).

- **Problem:** Article 7(11) replaces the horizontal transparency model with a prior-authorization rule, making paid prominence available only "upon request"; since consumers do not request sponsorship, the provision is a ban in all but name, and it removes the revenue that partially funds free comparison while leaving the carrier-direct channels untouched.
- **Fix:** delete Article 7(11) and rely on the transparency framework that already governs paid content under the UCPD, the DSA and the P2B Regulation.

7. Emissions display (Article 9)

The emissions display obligation should be clarified by stating in paragraph 1 that MDMS providers are not liable for the accuracy or completeness of emissions information provided by transport operators, reflecting Recital 17's acknowledgment that providers do not hold the underlying data and must display it as supplied, in accordance with Count Emissions EU and, for air, the Flight Emissions Label framework.[35] The obligation should also be extended to the operators' own direct sales channels, including airlines' websites and applications. Emissions information serves the traveller only if every traveller receives it; confining it to MDMS leaves it reaching the minority of passengers who book through intermediaries while the majority, who book directly with the carrier, see nothing. An environmental-information requirement that applies to the comparison sites but not to the dominant direct channel both fails as consumer information and provokes distortion between channels; the same obligation should apply wherever a transport product is sold to the traveller.

Two further changes are required. First, Article 9 introduces a display obligation for intermediaries which often do not hold the relevant data and no obligation for carriers that do: the obligation applies only where information "*is made available by transport operators*". Given the policy aim of enhancing consumers' access to sustainability information, transport operators should be required to supply emissions information for their transport products to MDMS providers, in a machine-readable format and free of charge, on the same terms on which they supply it to their own channels. The same wording leaves the source of the information unclear. Article 9(1) requires emissions information to be displayed "*as provided by the transport operator*", which may be read as permitting no other source. Providers today rely on datasets that cover carriers consistently and are aligned with the CountEmissionsEU methodology. The provision should make clear that any source applying that methodology may be used, whether supplied by the operator or by a third party.

Second, if such a data supply obligation is not introduced, Article 9(3) should be deleted. It requires products for which emissions information is missing to be placed at the end of the ranking, and partially covered products to be ranked below complete ones. This obligation is likely to achieve counterproductive results as many operators running comparatively sustainable transport services routinely do not supply emissions information as their services are well known to be orders of magnitude more sustainable than other offers. This is often the case for long-distance rail services, particularly those offered by smaller rail operators, which currently see limited commercial incentive in supplying such data on a systematic level. The outcome would be a downranking of the most sustainable offers and a worse user experience.

8. Administrative burden and enforcement

8.1. Administrative burden

The proposal's reporting, designation proceedings at Union and national level, conduct supervision, complaint handling, penalties and a standing network of authorities will introduce costs for both the platforms it regulates and the Member State authorities tasked with enforcing the Regulation. The Commission's own Impact Assessment provides

[35] COM(2026) 231, Recital 17; Commission Implementing Regulation (EU) 2024/3170 (Flight Emissions Label).

an estimate of these costs, which are out of all proportion to the problem it expects to find.

For Member States, the Impact Assessment estimates net costs of EUR 135.4 million (present value 2028-2050) for national authorities across all policy options, of which EUR 106.5 million, 79%, is recurrent enforcement cost for monitoring the online ticketing market and supervising the legislation; dispute settlement adds EUR 1.53 million per year and processing designation notifications a further EUR 3.1 million one-off.[36] This means 27 Member States must each introduce a resourced, independent enforcement body under Articles 12 and 13, with designation, monitoring, complaint-handling and penalty functions, plus a Union-level coordination network meeting at least annually; all of it to regulate a market in which the Commission expects only four designations. Whether these cost figures would truly remain valid for the parallel operation of 27 enforcement regimes in a complex market is another question.

For platforms, the recurring obligations fall on every MDMS, designated or not. The reporting obligation of Article 4(1) is annual and applies to every B2C MDMS provider in every Member State in which it offers transport products, regardless of whether it approaches any threshold. Each national authority therefore receives and processes filings from all B2C MDMS platforms each year to identify, based on the findings of the Impact Assessment, no designations at all in most Member States and four across the Union. The Impact Assessment estimates associated costs to be two FTE per platform and EUR 3.1 million one-off.

The Impact Assessment puts the adjustment costs at EUR 92.9 to 127.7 million (present value 2028-2050) across the relevant policy options: including re-engineering displays for the neutral display rules (EUR 12 to 16.5 million) and GHG display integration (EUR 12 to 16.7 million.[37]

The Impact Assessment rightly invokes the 'one in, one out' principle[38] but this principle does not appear to have been respected. The enforcement framework is made more cumbersome still through the complaint mechanism: as set out in Section 8.2, Article 14 invites national bodies to entertain grievances that allege no breach of the Regulation at all, adding to a complaint-handling burden the Impact Assessment has already costed on the assumption that complaints concern breaches. A Regulation whose own Impact Assessment shows nine-figure administration costs chasing four designations has failed both the proportionality test and the simplification test it is required to pass.

- **Problem:** the proposal erects a significant reporting and supervision apparatus across the whole industry to capture the four platforms the Commission expects to designate, contradicting the Commission's own administrative-burden reduction targets. In addition, the complaint regime is misaligned with the parallel Rail Ticketing Regulation and invites a flood of complaints unconnected to any breach. Article 14(1) and (3) allow B2C and B2B MDMS providers, business users and transport operators to complain not only of a breach of the Regulation but also wherever they "believe

[36] SWD(2026) 300, section 6.1.3 and Table 9: enforcement costs EUR 106.5 million; recurrent administrative costs EUR 25.8 million (EUR 1.53 million per year, one FTE per authority); one-off notification-processing costs EUR 3.1 million (two FTEs per Member State); net costs EUR 135.4 million.

[37] SWD(2026) 300, section 6.1 and Table 3; per-platform API set-up cost at footnote 181.

[38] SWD(2026) 300, section 6.1: costs computed "for the purpose of 'one in, one out' approach and the Calculator of Administrative Costs (AC) & Administrative Burdens (AB)".

they have been unfairly treated, discriminated against or are in any other way aggrieved”. Such an open-ended formulation has no counterpart in the RTR, whose Article 11 confines complaints to “a breach of this Regulation”, and it would oblige national enforcement bodies to entertain grievances that allege no infringement at all, compounding the administrative burden set out above.

- **Fix: confine the reporting obligation in Article 4(1) to providers that have met, or expect to meet, an Annex I threshold.**

8.2 scope of the right to complain

Article 14(1) allows B2C MDMS providers, B2B MDMS providers and business users to lodge a complaint alleging a breach of the Regulation, "*or if they believe they have been unfairly treated, discriminated against or are in any other way aggrieved*". Article 14(3) gives transport operators the same right in the same terms. Three of the four grounds allege no infringement, and a national enforcement body would be obliged to entertain them. The Rail Ticketing Regulation, presented in the same package and likely enforced by the same authorities, confines a complaint solely to a breach of that Regulation.

Problem: Article 14(1) and (3) allow complaints wherever a party believes it has been unfairly treated, discriminated against or is in any other way aggrieved. The formulation has no counterpart in the Rail Ticketing Regulation, whose Article 11 confines complaints to a breach. The wording invites third parties to submit unrelated or irrelevant complaints with no significant connection to the obligations of the Regulation, without any visible benefit.

Fix: align Article 14 with Article 11 of the Rail Ticketing Regulation by confining the right to complain to alleged breaches of this Regulation, deleting the "unfairly treated, discriminated against or in any other way aggrieved" wording in Article 14(1) and (3).

8.3 Competence, penalties and review

eu travel tech supports clear national enforcement with a coordinating network and welcomes the main-establishment principle in Article 12(3) and (5). Two derogations undermine this principle. Article 12(4) allows enforcement of the Article 5(2) obligations to be transferred away from the Member State of main establishment to any Member State of designation, exposing a provider designated in several Member States to parallel proceedings on identical conduct; it should be deleted in favor of the cooperation and information-exchange mechanisms of Article 13, which already bind authorities to assist one another within fixed deadlines. Article 12(6), under which "any" national enforcement body is competent for providers without a Union establishment, and the residual complaint rule of Article 14(5), invite forum shopping and conflicting decisions; competence should lie with the authority of the Member State in which the alleged infringement primarily produces its effects.

On penalties, Article 15 leaves everything to Member States with no criteria, caps or harmonizing guidance, a guarantee of fragmentation for an internal-market instrument; the provision should at minimum require that penalties be proportionate to the nature, gravity and duration of the infringement and to the economic capacity of the undertaking, on the model of comparable Union instruments.

More broadly, the Regulation is likely to produce a significant burden for national enforcement bodies when performing their tasks of monitoring, designation, complaint handling, investigation, and coordination.

- **Problem:** two derogations from the main-establishment principle (Article 12(4), and the universal-competence rule of Article 12(6) with the residual complaint rule of Article 14(5)) expose providers to parallel or forum-shopped proceedings; there is no defined route by which a national body obtains the Article 4 data it needs about a provider established elsewhere; penalties are left wholly to Member States with no harmonizing criteria; and the mandatory review does not address the issues this paper raises.
- **Fix:** delete Article 12(4) in favour of the Article 13 cooperation mechanisms; replace universal competence in Article 12(6), and align Article 14(5), with the authority of the Member State where the infringement primarily produces its effects; require the Commission to make the Article 4 data available to the competent national bodies and the network to standardize its exchange (Article 13(4)); require penalties to reflect the nature, gravity and duration of the infringement and the undertaking's economic capacity (Article 15).