October 2026

eu travel tech

Multimodal Booking Regulation

eu travel tech position paper

This paper sets out eu travel tech's position on the Multimodal Booking Regulation. It covers in particular the display and ranking obligations of Article 7, the treatment of sponsored results, the emissions display obligations of Article 9, the competition-related provisions in Articles 4, 5, 6 and 8 and Annex I, the administrative burden the Regulation creates and its enforcement architecture. The article-by-article amendments are set out in the accompanying annex.

eu travel tech's position on the competition-related provisions is that they should be removed from the proposal in their entirety. The reasoning is set out below, together with the amendments that would be required should the co-legislators nonetheless choose to retain them. In particular, the obligations of the Regulation should be confined to rail transport products, the only mode in which the passenger package obliges operators to share their content (Section 10.2). 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 borrowed from the Digital Markets Act, 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 escape 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.

Data and emissions: The Regulation requires intermediaries to display information and offers they may be unable to obtain: final prices including optional price supplements and emissions information, which transport operators are not obliged to supply. Transport operators should be required to submit that information on the same terms on which it is available in their own distribution channels, and to allow providers to offer and sell the optional services whose prices they must display.

Competition: The competition-related provisions should be removed in their entirety. They are not justified by any market failure established by the Impact Assessment; they transpose obligations designed for entrenched digital gateways onto undertakings whose market power has not been demonstrated; the Annex I thresholds are set far below the level at which market power could be inferred; and the reporting and supervision

framework would lead to significant regulatory burden with little foreseeable benefit. The amendments to these provisions in this paper and its annex are advanced only should the co-legislators choose to retain them. In particular, the obligations of the Regulation should be confined to rail transport products, the only mode in which the passenger package obliges operators to share their content.

The proposal misreads market dynamics. Independent intermediaries are cast as gatekeepers, yet they are dependent on transport carriers, while the carriers that control the content escape from many of the obligations. For railways, the new rights operators gain vis-à-vis intermediaries are at least balanced by the content-sharing and FRAND (fair, reasonable and non-discriminatory) obligations of the Rail Ticketing Regulation; for airlines no such counterpart exists anywhere in EU law. Annex I designation thresholds are set at a level far below the existence of significant intermediary market power (nominally only 10% of the EU market and 30% of national markets).

Administrative burden and enforcement: 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. Enforcement should rest on the main-establishment principle without the derogations of Article 12(4) and (6), and the right to complain should be confined to alleged breaches of the Regulation, as under Article 11 of the Rail Ticketing Regulation.

<u>eu travel tech key asks:</u>

- **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.**
- **Require transport operators to supply the information intermediaries must display, including optional price supplements and emissions information, on the same terms as in their own distribution channels;**
- **Remove the competition-related provisions in their entirety: the designation regime and conduct obligations in Articles 4, 5 and 6 and Annex I, and the marketing information data obligation in Article 8, are unjustified, disproportionate and not fit for purpose;**
- **Confine the obligations of the Regulation to rail transport products, the only transport mode in which the passenger package obliges operators to share their content. The provisions of Chapter 2 in particular should be applied only regarding rail transport products of operators who are legally obliged to make the underlying content available.**
- **Should the co-legislators retain a designation regime, they should:**

  - ➔ **Be based on a qualitative test of significant market presence, presumed only where a provider holds 50% of the Union or national market and open to rebuttal, with obligations applying only after designation and a six-month period to comply;**
  - ➔ **Treat business-to-consumer (B2C) and business-to-business (B2B) multimodal digital mobility service (MDMS) providers alike, with the same thresholds and the same obligations; limit reporting to providers that meet the thresholds;**
  - ➔ **Delete Article 5(3), Article 6, Article 8(1);**

- ➔ **Delete the FRAND remuneration obligation in Article 5(2)(c), or confine it to railway service providers bound by the corresponding obligation of the Rail Ticketing Regulation;**

- **Extend the content-sharing and FRAND framework of the Rail Ticketing Regulation to dominant air carriers and delete the code share and interlining carve-out, 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, the emissions display obligations of Article 9 and the competition-related provisions in Articles 4, 5, 6 and 8 and Annex I. 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 replaces 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 borrowed from the Digital Markets Act, 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 in two dimensions: nothing in the legislative text creates, mandates or facilitates a single multimodal journey, through-ticketing across modes or technical interoperability, and the

[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.

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 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).

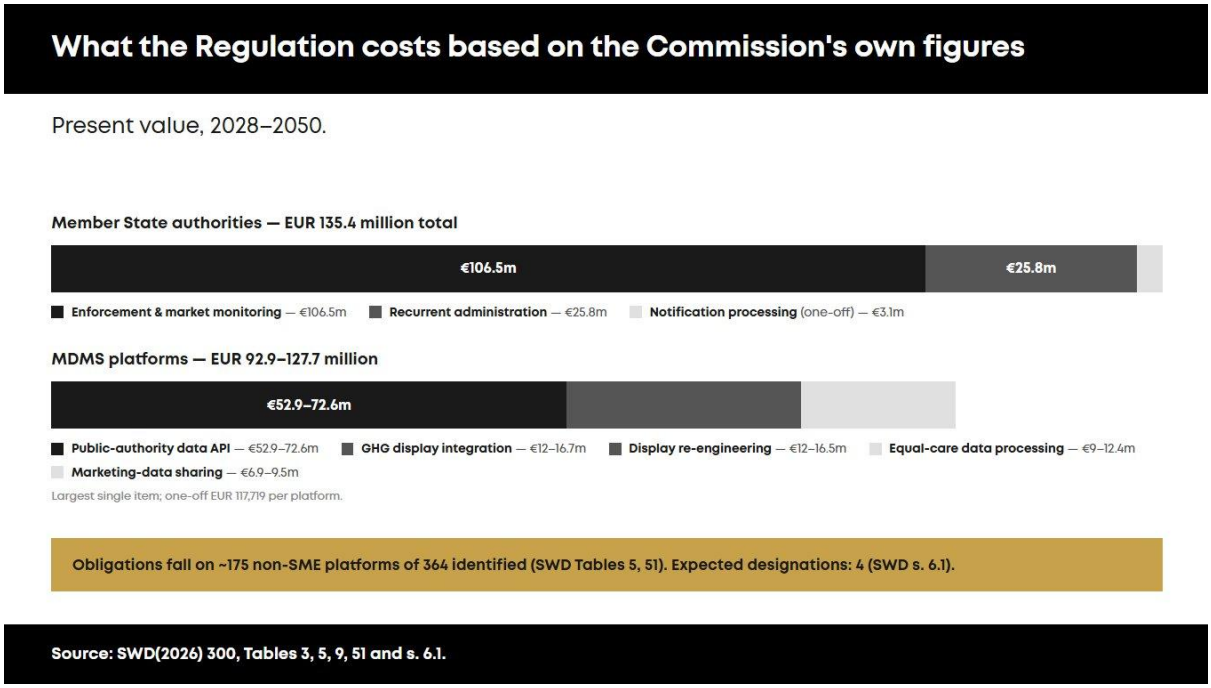
- **Regulating market power, not business models:** The competition-related provisions of the proposal are not justified and must be removed.

[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 12).



Background

2. Competition in the distribution of transport tickets

2.1 Why a gatekeeper logic does not apply

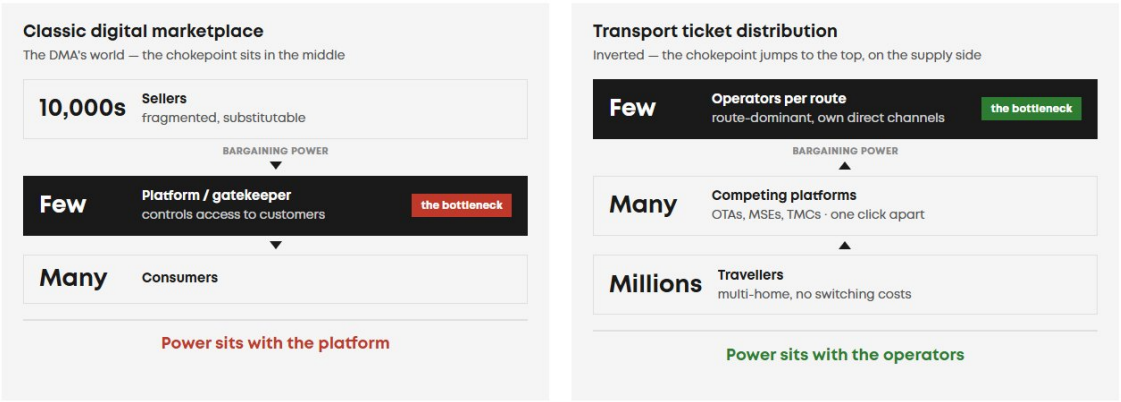
The regulation of digital gatekeepers has become a feature of EU law through the Digital Markets Act and to a lesser extent the Digital Services Act; it rests on a particular market structure. In the digital markets in which the DMA applies, a platform usually intermediates between a fragmented supply 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 DMA designates accordingly: it targets

undertakings that constitute "an important gateway for business users to reach end users" and whose position is entrenched and durable.[5]

The transport ticket distribution market inverts 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

In digital markets the platform holds power over fragmented sellers. In travel, the structure is inverted.



Source: Reg. (EU) 2022/1925 Art. 3; Commission decision M.10615, para. 269.

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[6], as well as the majority of searches, and rail incumbents own the dominant retail platforms in their home markets. The Commission's own figures confirm this: in 2019, MDMS platforms accounted for 3.0% of rail tickets and 6.7% of all passenger tickets sold in the EU, and the Commission expects this share to reach only 7.1% by 2030.[7] 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 inverts the

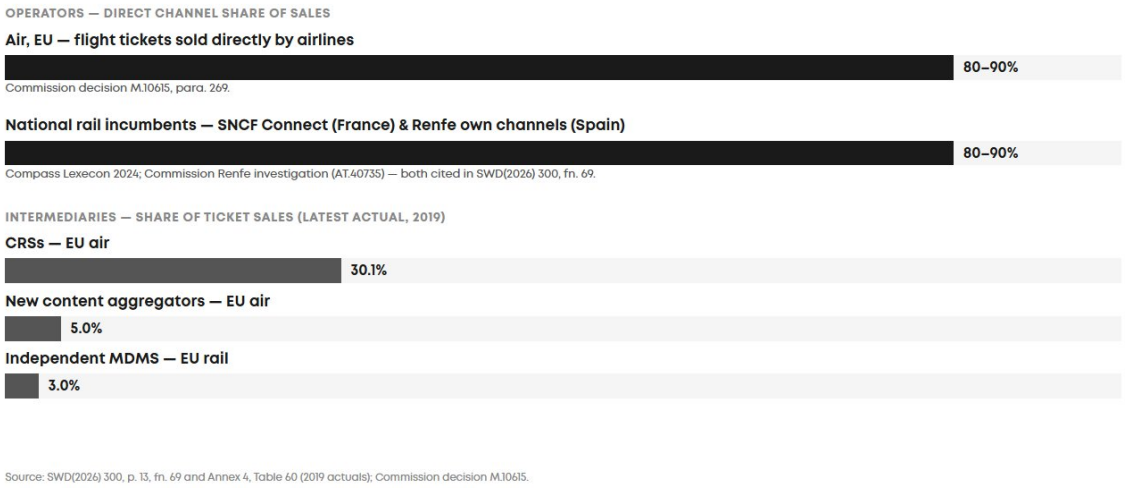
[5] Regulation (EU) 2022/1925, Article 3(1), points (b) and (c).

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

[7] SWD(2026) 300, Annex 4, section 2.2.5 and Table 60 (baseline scenario): share of total tickets sold via MDMS platforms in 2019 of 3.0% for rail and 6.7% for all modes, and of 7.1% for all modes in 2030.

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.

Market share of direct and indirect distribution players



Source: SWD(2026) 300, p. 13, fn. 69 and Annex 4, Table 60 (2019 actuals); Commission decision M.10615.

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 intermediated 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).[8]

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

[8] 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.

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.[9]

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; designation must instead be reserved for demonstrated market power (Section 8), and FRAND-type duties belong on the side of the market that is able to refuse to supply (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 points the other way. 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;[10]
- 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;[11]
- 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;[12]
- 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.[13]

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

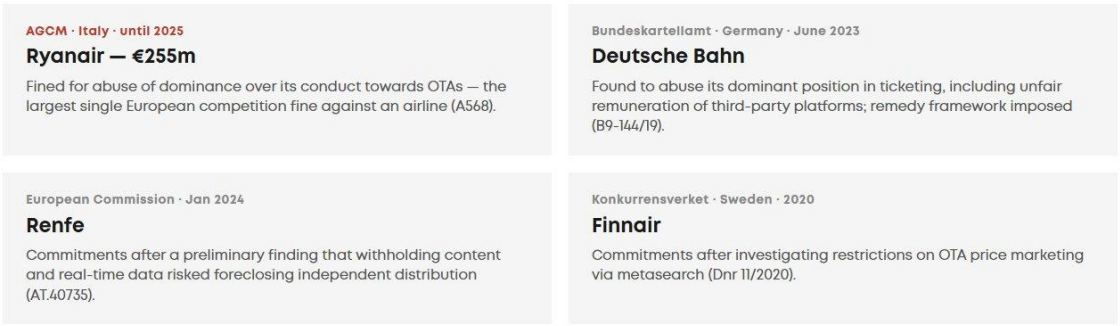
[10] Bundeskartellamt, decision of 26 June 2023, Case B9-144/19 (Deutsche Bahn / mobility platforms). The remuneration element, based on a long-run average incremental cost (LRIC) methodology, is under appeal before the Higher Regional Court of Düsseldorf; see MLex, "Ticket sellers laud EU focus on 'fair'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

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

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

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

Enforcement regarding carrier restrictions of indirect distribution



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 GDS channels; surcharges on tickets purchased through indirect channels, most prominently the distribution cost charge that one major airline group announced it would increase again from January 2026, describing it openly as "a continuation of the strategy to reshape the distribution landscape" in the carrier's favor[14]; 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 intermediated channels.[15] 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".[16] 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.[17]

[14] Aviation Direct, "Lufthansa increases distribution cost charge for Amadeus and Sabre", 5 December 2025.

[15] 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."

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

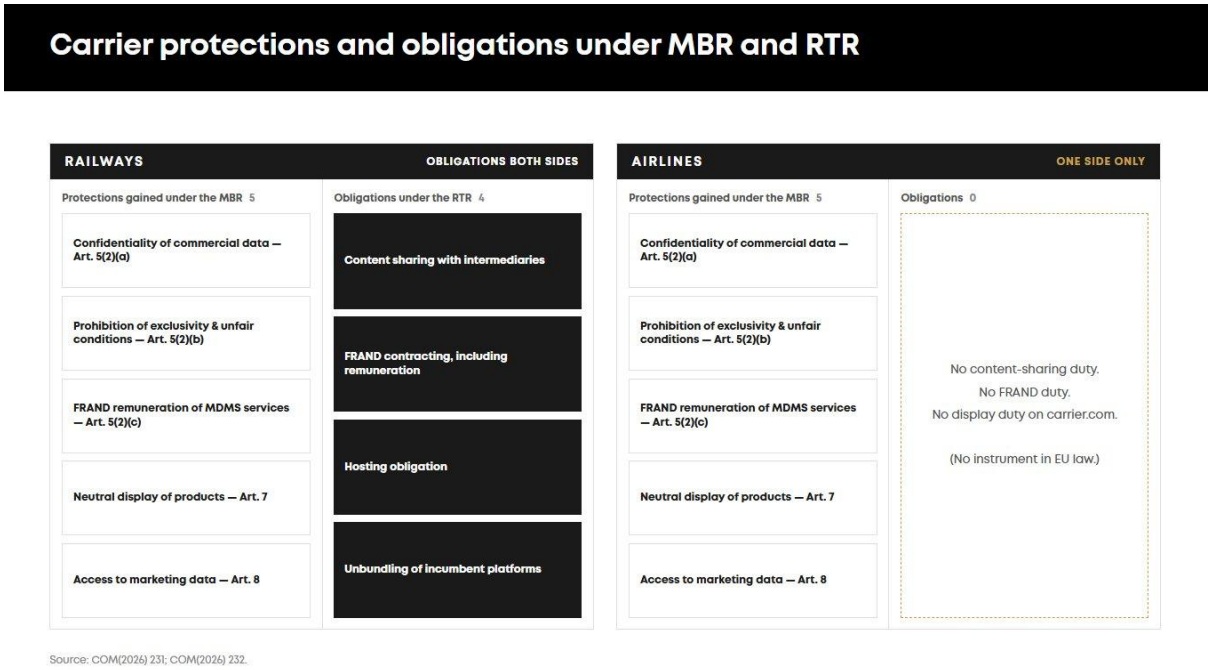
[17] SWD(2026) 300, section 2.2.2, including the EPF example on Nantes-Bordeaux routings in SNCF Connect, and footnote 107 on DB Navigator (reported by WestBahn and AllRail).

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 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 intermediated channels they choose to use, while bearing no content-sharing or FRAND obligation – the very mechanism historically designed to protect vulnerable commercial parties from an indispensable party's market power. 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 in 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.[18] 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.

[18] 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.



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

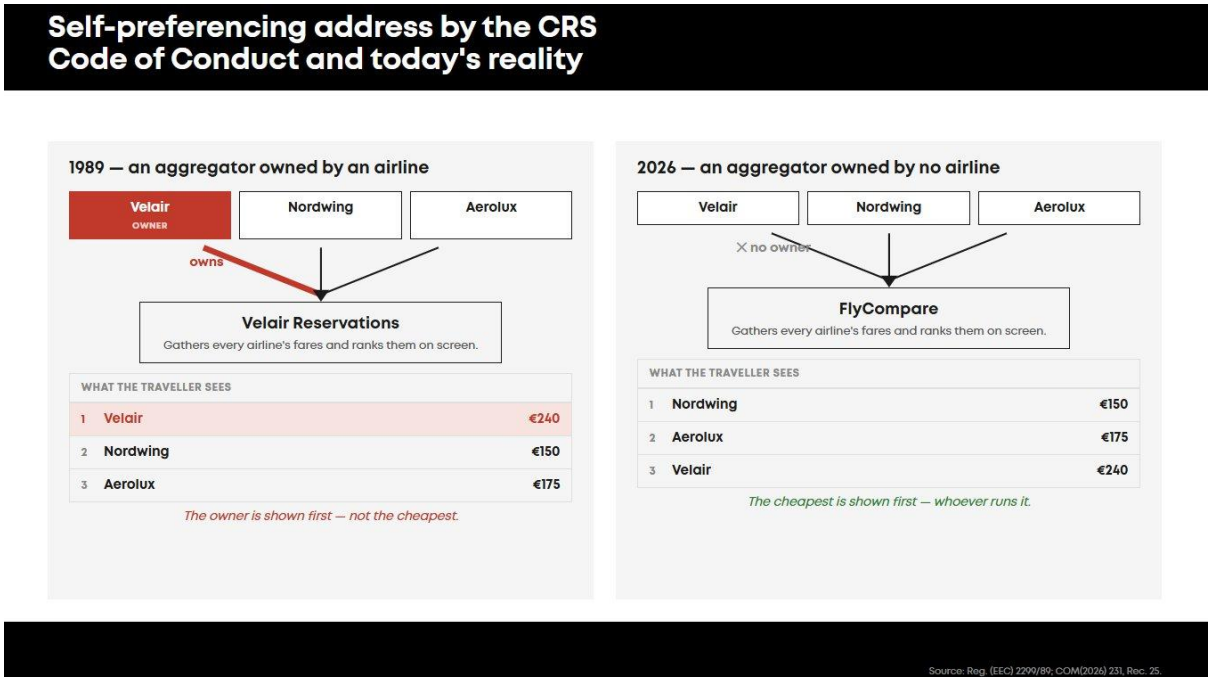
3.1 The problem addressed by the CRS Code of Conduct

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[19]. 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 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.

[19] 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.

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"[20]; 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[21], 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 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.



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[22]; and the airline-side demand recorded in the assessment,

[20] 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".

[21] 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.

[22] 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.

extending neutrality rules to all MDMS including OTAs[23], 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.[24]

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[25], 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. Independent rail platforms sell the services of competing railway undertakings 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 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

[23] 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".

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

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

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.[26] 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”;
- **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.

[26] 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.

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[27]. 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"[28]; 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.[29] 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 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.

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[27] 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".

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

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

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*".[30] The Regulation thus appears to use the terms neutral and non-discriminatory interchangeably and to give neutrality no substance beyond non-discrimination.

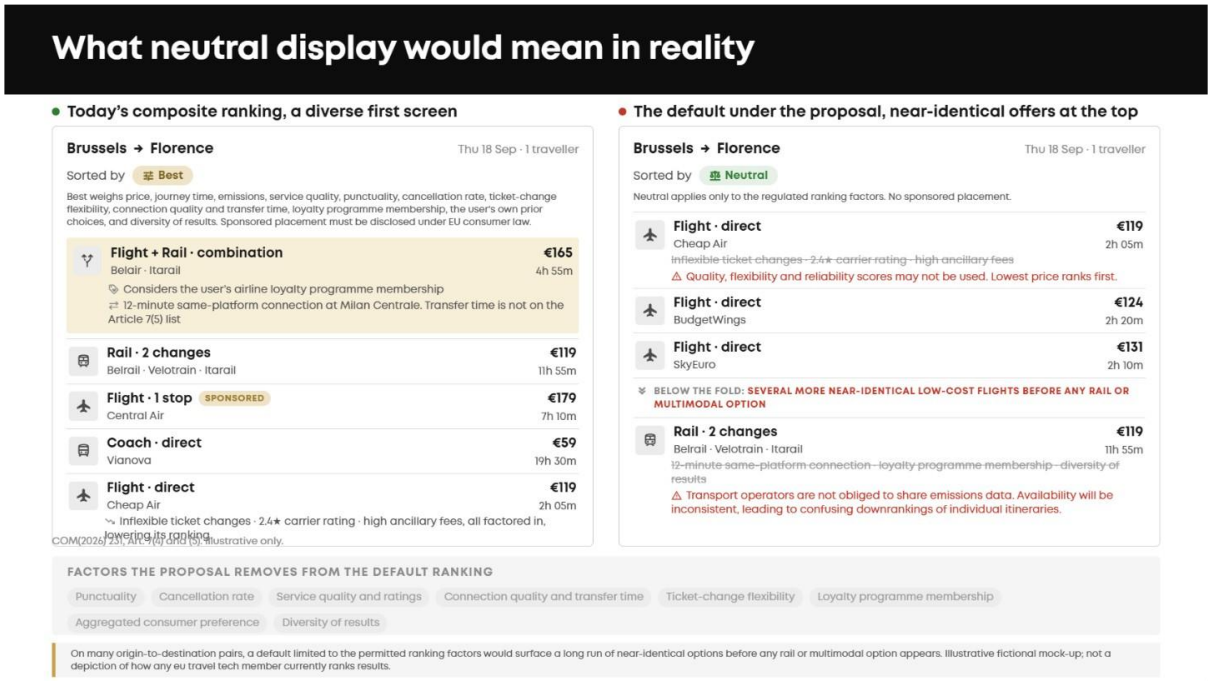
As the term neutrality is not defined and, in any case, non-discrimination is the operative concept under Article 7, it must be assessed whether Article 7 (4) and (5) introduce obligations which are aligned with the concept of non-discrimination. Non-discrimination is a central concept in Union law, 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 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

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

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.[31] 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.[32] Self-preferencing by integrated incumbents exists, and it is 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.

[31] 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.

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

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.[33] 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.

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

[33] 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.

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.[34] 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 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

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

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[35]; the DSA requires clear, real-time identification of advertising on online platforms[36]; the P2B Regulation requires disclosure of any possibility to influence ranking against remuneration[37]. Article 7(11) abandons that model for one of prior authorization: paid prominence – even where it 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

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

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

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

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.[38] The obligation should also

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

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.

Competition

eu travel tech's initial position on the competition provisions is deletion. The designation of providers with significant market presence (Article 4 and Annex I) and the conduct obligations that follow (Articles 5 and 6) are not justified by any market failure and fail any proportionality assessment. This part of the proposal is simply not fit for purpose and warrants deletion in its entirety. The reasoning and the article-by-article amendments set out below are advanced only as a fallback, should the co-legislators choose to retain the ill-conceived designation and conduct regime.

A gatekeeper logic that does not apply

The competition-related elements of the proposal, namely designation of providers with significant market presence and the conduct obligations that follow, transfer the reasoning of the Digital Markets Act onto a market whose structure does not fit its premises. As Section 2.1 establishes, market power in ticket distribution rests with the transport operators that control the product, not with the intermediaries that compare it:

supply is concentrated at the level of the route, demand multi-homes between intermediaries at no cost, and operators retain direct channels through which the great majority of tickets are already sold. It follows that designation and gatekeeper-style obligations, designed for entrenched digital gateways, are being aimed at the wrong undertakings. The fixes set out below are advanced only should the co-legislators choose to retain a designation regime. They streamline the regime towards the DMA template the proposal imperfectly imitates: the same treatment of B2C and B2B MDMS, a qualitative concept of market presence tested by market-share thresholds and open to rebuttal, notification only when thresholds are met, and obligations that apply only following designation.

8. Streamlining the regime based on the DMA template

The DMA, the evident template for this proposal's notification, designation and obligation framework, is built on three dimensions that together ensure a proportionate regulatory intervention:

- **Article 3(1):** defines what a gatekeeper is qualitatively, an undertaking with a significant impact on the internal market, operating an important gateway for business users to reach end users, with an entrenched and durable position.
- **Article 3(2):** lays down quantitative turnover, user-number and duration thresholds that create a presumption of the qualitative requirements being met.
- **Article 3(5):** provides a safeguard by establishing that an undertaking meeting the thresholds may, within a defined window, submit sufficiently substantiated arguments demonstrating that it does not in fact satisfy the qualitative requirements.

The DMA's framework relies on interlocking mechanisms to avoid overregulating or underregulating (i.e. to avoid false positive or false negatives): the thresholds are a proxy to measure the underlying qualitative concept, and the rebuttal mechanism ensures no false-positive gatekeepers are subjected to stringent regulatory requirements.

The MBR copies the quantitative dimension but fails to copy the other two. Article 4 contains no definition of what "significant market presence" actually is; designation follows mechanically from thresholds which, as shown above, sit far below market power, and there is nothing against which a provider could direct a rebuttal, as the Regulation fails to state the underlying condition the thresholds are meant to indicate. Under the DMA, an undertaking meeting the thresholds may prove that it is not in fact a gatekeeper. This safeguard applies to the largest digital undertakings in the world. The Multimodal Booking Regulation proposal does not afford comparatively small travel intermediaries this basic safeguard. The Impact Assessment itself acknowledges that the undertakings concerned "are much smaller than those regulated under the DMA".[39]

Both missing dimensions must be introduced. The qualitative dimension: "significant market presence" should be defined as an entrenched and durable position in the sale of rail transport products, which makes the provider an important gateway for transport operators to reach end users or business users; the Annex I thresholds should then create a presumption that this condition is met. The rebuttal mechanism must allow a provider meeting a threshold to present substantiated arguments directed at that qualitative condition, and the relevant evidence should be enumerated in the Regulation, as volume

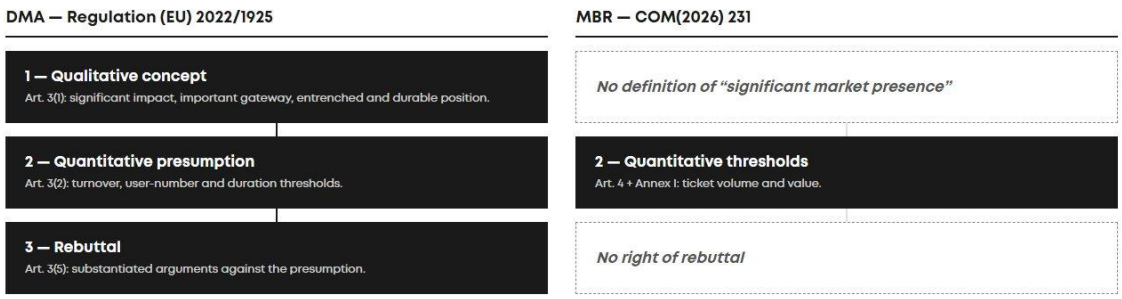
[39] SWD(2026) 300, section 6.1.1, footnote 184, and section 8.3, footnote 214: "In this case, the entities are much smaller than those regulated under the DMA (Apple, Google, etc.) and the process is expected to be much lighter".

and value of tickets sold are crude proxies which may lead to MDMS without relevant bargaining power being considered for designation (i.e. Type I errors). The factors should include, at least:

- the provider's share of the distribution of the transport mode concerned, on both the end-user side and the transport-operator side;
- the extent of multi-homing by end users, business users and transport operators;
- the coverage and comprehensiveness of the service;
- the availability and actual use of alternative distribution channels, including the direct channels of transport operators;
- the degree of dependence of individual transport operators on the provider;
- the dynamics of entry and growth in the distribution of the transport mode concerned.

A provider distributing tickets of operators all multi-home, whose users switch at zero cost and whose suppliers distribute the vast majority of their tickets through their own direct channels cannot be considered an "important gateway"; the rebuttal procedure is the only mechanism through which such evidence can be presented.

Designation in the Digital Markets Act vs. Multimodal Booking Regulation



Source: Reg. (EU) 2022/1925, Art. 3; COM(2026) 231, Art. 4 & Annex I; SWD(2026) 300, s. 5.

Problem: the Regulation copies the DMA's quantitative thresholds but discards the qualitative concept of market power and the right of rebuttal that frame them, so designation follows mechanically from ticket volume and value without a proper test or right of rebuttal for MDMS in question.

Fix: should the co-legislators retain a designation regime:

- define significant market presence qualitatively in Article 4, as an entrenched and durable position making the provider an important gateway for transport operators to reach end users or business users, presumed where the provider reaches the market share laid down in Article 4, with no designation below this share;
- insert a new Article 4(7a) modelled on DMA Article 3(5) allowing a provider to rebut the presumption within a defined window;

- enumerate the evidence relevant to the rebuttal, including market shares on both sides, multi-homing, coverage, alternative channels including direct channels, operator dependence, and entry and growth dynamics, with designation becoming final only upon reasoned rejection of the rebuttal;
- give a designated provider six months from the final designation decision to comply with Article 5, similar to Article 3(10) of the DMA.

Scale of reporting to be expected under MBR

The recurring reporting burden, by order of magnitude.



Illustrative order of magnitude, not a sourced figure: ~175 in-scope platforms × ~20 Member States × ~2 modes. Reporting is owed per Member State and mode (Art. 4). Expected designations: 4 (SWD s. 6.1).

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

9. Application of competition rules: scope and thresholds

9.1. Definitions: lack of clarity and unequal treatment

The proposal creates two parallel regimes: B2C MDMS face the Annex I thresholds and the Article 4 reporting obligation, while B2B MDMS are denied the proportionality of any threshold and face the Article 5 and Article 6 obligations irrespective of their market position, on the implicit preconceived notion that B2B intermediaries occupy a structurally indispensable role. The two-regime architecture rests on definitions that do not function, in three respects.

First, the definitions are circular: An "end user" under Article 3(11) is any person "using a B2C MDMS", while a "B2C MDMS" under Article 3(2) is a service provided to end users; the circular logic is visible regarding "business user" and "B2B MDMS". The definitions only function if one already knows the answer to what a business/end user or an B2C/MDMS is. These definitions make the exact application of the Regulation of the two regimes of the Regulation uninterpretable. This means MDMS providers, third parties, and courts would have no reliable means of knowing which of two distinct legal regimes, with different obligations and different enforcement, applies to a given undertaking. In simple terms: a court adjudicating on what is a B2B or a B2C MDMS under this Regulation would have no means of rendering a judgment without a leap in legal reasoning.

Secondly, the regime fails to function properly where an MDMS performs both roles, which is the industry norm: Most major intermediaries serve consumers through a retail interface and other distributors or carriers through a white-label or business function

providing content through Application Programming Interfaces ("**APIs**"). Under the proposal, such an undertaking is simultaneously a B2C MDMS and a B2B MDMS. The Impact Assessment itself acknowledges "the blurring boundaries between B2B and B2C distribution"[40] as a driver of the initiative and then enforces the boundary it admits is blurring.

Lastly, the justification for the distinction between B2B and B2C MDMS is insufficient. Throughout the proposal, the Commission consistently states that B2B MDMS should be subject to the obligations reserved for B2C MDMS with significant market presence' simply due to their position in the market as aggregators between transport operators and consumer-facing travel sellers. The Impact Assessment includes no significant reasoning as to why this strict treatment of a specific subset of business models is necessary or proportionate. On the contrary, the Impact Assessment states that the combined total share of all CRSs in EU air ticket sales fell from approximately 30% in 2019 to 22% in 2024[41]**, and expects it to decline further to 16.8% by 2030, with the number of tickets sold via CRSs falling by 41% compared to 2019 even as air passenger numbers grow**[42]. Without sufficient reasoning or evidence, the proposal therefore creates an artificial B2B/B2C dichotomy which does not afford B2B MDMS, even those without any market power, any opportunity to forego obligations intended to protect transport operators from unfair contractual terms being imposed on them.

The premise that B2B MDMS providers must be regulated simply because they are B2B intermediaries is therefore unfounded: obligations of this kind are justified by market power, not by a business model, and the figures above describe a segment in decline. Nor would removing these obligations roll back any protection that is still needed. Article 5(3) and Article 6 carry over Articles 4 and 6 of the CRS Code of Conduct[43]**, rules that originate in the 1989 Code, adopted when reservation systems were owned by airlines and could favor their parent carriers (Section 3). The proposal itself accepts that this ownership has gone: Recital 25 states that the specific rules for parent carriers "are no longer relevant as airlines have fully divested their CRS ownership"**[44]**. The same reasoning applies to the obligations taken from the same Code, which address a market structure that no longer exists.**

Problem: the B2C/B2B division rests on circular definitions, classifies corporate booking tools only indirectly, because a company booking travel for its own staff has no 'client', and fails where a provider operates on both sides; B2B MDMS providers face the obligations without any threshold, while B2C MDMS providers face them only upon designation.

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[40] SWD(2026) 300, section 2.1.1: "These market developments, combined with the blurring boundaries between B2B and B2C distribution, drive the need to (i) update the relevant provisions of the CRS Code of Conduct, and (ii) extend them to alternative business models in all modes."

[41] SWD(2026) 300, Annex 9: "The share of tickets booked via a CRS for flights decreased from approximately 30.1% in 2019 to 22% in 2024 of tickets sold in the EU"; non-CRS aggregator channels grew "from 4% to 11% of total distribution channels used" and non-CRS B2B sales from 5% to 9% of EU tickets.

[42] SWD(2026) 300, Annex 4, section 2.2.5 and Table 60 (baseline scenario): tickets sold via CRSs fall from 155 million in 2019 to 91 million in 2030 (−41%), or from 30.1% to 16.8% of air tickets sold.

[43] COM(2026) 231, Annex II (correlation table): Articles 4 and 6 of Regulation (EC) No 80/2009 correspond to Articles 5(3) and 6 of the proposal.

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

Fix: apply the same designation mechanism, the same market-share thresholds and the same obligations to B2C MDMS providers and B2B MDMS providers, only upon designation; delete the B2B-specific provisions in Article 5(3) and Article 6 (Section 10.2).

9.2. Thresholds set far below market power

Even taken at face value, the intended figures sit far below any market-power standard.[45] Under settled Article 102 TFEU case law, a presumption of dominance arises from market shares above 50%[46]; the Commission's own enforcement guidance for abuse of dominance investigations states that dominance is not likely below a 40% share[47]. An ex-ante regulatory regime which introduces restrictions to combat a supposed issue with market power of intermediaries comes with none of the protections of a dominance assessment under Article 102. The proposal offers no route to consider market structure or countervailing factors. This stands in contrast to another ex-ante instrument designed to address the issue of market power: the Digital Markets Act. The Digital Markets Act was the product of a decade of enforcement against entrenched positions in markets characterized by strong network effects, high switching costs and no realistic alternative for business users. It arose from a string of antitrust cases which were deemed deliver insufficient results not because the relevant undertakings could not be found dominant, in fact some of them were found 'hyper-dominant'. Instead, the DMA was deemed necessary as antitrust instruments were unable to curtail abusive behavior by those dominant digital undertakings. It therefore includes extremely high quantitative presumption thresholds. Thus, the DMA designates only a small number of undertakings on qualitative criteria, and it allows a designated undertaking to rebut. This proposal asserts none of those conditions for travel distribution and reproduces none of those safeguards. The Regulation therefore not only ignores the market share levels at which EU law traditionally views market power abuse as feasible (a 10% Union-level test is a quarter of the level at which the Commission itself considers dominance plausible), but it also offers no opportunity for an intermediary under scrutiny to prove that an assumption of significant market presence is inaccurate.

The Commission itself applies a double standard in this context. The same Impact Assessment applies a 50% threshold to identify railway undertakings with significant market power: 50% or more of total passenger rail services in a Member State, in passenger-kilometers.[48] Operators are presumed powerful at 50%; intermediaries at 10%. No justification is offered for disciplining the intermediary at one fifth of the standard applied to the operator, and none is available: in fact, the dependence runs the other way, since carriers can always sell directly while intermediaries cannot sell what carriers withhold.

[45] SWD(2026) 300, section 5 ("Overview of indispensable MDMS platforms").

[46] Judgment of 3 July 1991, AKZO Chemie v Commission, C-62/86, EU:C:1991:286, para. 60.

[47] Guidance on the Commission's enforcement priorities in applying Article 82 EC to abusive exclusionary conduct by dominant undertakings (2009/C 45/02), para. 14; maintained in substance in the Commission's 2024 draft Guidelines on exclusionary abuses of dominance.

[48] SWD(2026) 300, section 5, policy measure PM9: "for RUs with SMP: within one calendar year, 50% or more of the total passenger rail services operated in a Member State (including domestic and EU cross-border services to/from that Member State), expressed in yearly passenger kilometres".

Designation thresholds sit far below market power



Sources: COM(2026) 231, Annex I; SWD(2026) 300, s. 5; AKZO C-62/86; Guidance 2009/C 45/02.

Even those understated percentages are not reflected in the Annex I figures, because the denominator behind them excludes half of the market the Regulation covers: the Impact Assessment counts only air passengers travelling within the EU and omits traffic departing from or arriving at an EU airport entirely.[49] Yet the Regulation's scope expressly covers transport products "for journeys within, to or from the Union"[50]; every ticket sold for a journey to or from the Union counts towards a provider's Annex I sales. The thresholds were calculated for only half of the market which the Regulation applies to in passenger air transport.

Regarding selected metrics: The EU-level air threshold of 53.5 million products is almost exactly 10% of the stated denominator and roughly 5% of the traffic actually in scope; the French national threshold of 20.58 million products corresponds to roughly 10% of around 200 million French air passengers, against a stated intent of 30%.[51] Calculating a designation threshold on a market definition that excludes half of the Regulation's own scope undermines the credibility and functioning of the entire Regulation: it halves the thresholds for significant obligations to apply, and it brands a 5% player as holding "significant market presence". This approach does not target market power; it targets a business model.

A concern may be raised that, with equal treatment of B2B and B2C MDMS, the same product might be counted twice, once when a B2B MDMS supplies it and again when a

[49] The Impact Assessment's baseline puts EU air transport at 515 million passengers in 2019, rising to 538 million in 2028: SWD(2026) 300, Table 49 ("Projected number of passengers at EU level in the baseline, by mode"; source: Ricardo et al., Impact Assessment support study). Eurostat's own statistics for 2024 count 1,054 million air passengers in the EU: 151 million national, 383 million international intra-EU and 520 million international extra-EU: Eurostat, Air passenger transport statistics, 2024 data (avia_paoc), recording 1,053.7 million passengers carried, of which 150.8 million national, 383.1 million international intra-EU and 519.8 million international extra-EU. The Impact Assessment's figures thus match national plus intra-EU traffic almost exactly (533.9 million in 2024) and omit extra-EU traffic entirely; the assessment speaks, accordingly, of "passengers travelling by air within the EU" (SWD(2026) 300, section 5).

[50] Article 2(1)(a)

[51] Annex I, points 1(a) and 2 (France): 53.5 million against 533.9 million (national plus intra-EU) equals 10.0%; against 1,053.7 million (total EU air passengers, Eurostat avia_paoc) equals 5.1%. The same calculation holds for the value limbs and, mutatis mutandis, at national level.

B2C MDMS sells it. This concern is insignificant, because the numeric thresholds in Annex I are not derived from distribution-specific statistics. The figures currently included in Annex I are in fact related to the total number of passengers carried in each transport mode, based on Eurostat and Rail Market Monitoring Scheme data (among others). This stands in contrast to the metrics which these figures are supposed to indicate: total number of tickets sold and total value of tickets sold. These metrics appear to relate to distribution, but the basis of the figures reveals what is actually being measured with the thresholds: the size of an individual MDMS as compared to the total size of the underlying transport market.

Put simply, Annex I engages in a process of comparing apples and oranges; comparing an individual MDMS' size to the total transport market size. This observation underlines the need for reasonable thresholds. The thresholds should accordingly be laid down in Article 4 itself as a market share, at a market-power-consistent level of 50% of the Union or national market with Annex I at most translating that share into figures. The 50% threshold has been correctly identified and set out in the related Rail Ticketing Regulation proposal, which applies to a similar set of market players.

The same threshold must apply to B2C MDMS providers and B2B MDMS providers. The proposal applies the Article 5 obligations to providers serving business users without any threshold, while providers serving end users face them only above one. The Impact Assessment gives no reason for this, and its own figures point the other way: the combined share of all CRSs in EU air ticket sales is expected to fall to 16.8% by 2030 (Section 9.1), and CRS providers told the Commission that they face stricter rules despite handling a declining share of ticket sales.[52] A market-share threshold set at a market-power-consistent level and applied equally to both categories limits the obligations to providers that actually hold the position the Regulation presumes; a lower threshold, or one applied to one category only, would impose them on providers whose combined share is in decline.

The value element of the thresholds should be removed altogether. For air travel, the value figure in each mode is simply the volume figure multiplied by a flat assumed average ticket price: the EUR 6,394 million value threshold is EUR 119.50 per product across the 53.5 million products. The same constant is applied for air travel in each Member State. Bus and coach and waterborne transport are treated similarly, each with a single per-product value applied across all Member States (EUR 56.81 and EUR 17.39 respectively). Only rail departs from this, its implied per-product value varying by Member State. The pattern shows that, for three of the four modes, the value threshold carries no information independent of the volume threshold; it is the volume figure restated in euros at an assumed price. A value threshold constructed in this manner measures nothing that the volume threshold does not already measure; it indicates only that the Commission was unable to arrive at any independent metric of value and fell back on a uniform price assumption. In any event, market power in the distribution of transport is a function of the volume of transactions intermediated, i.e. the passengers carried, not of the revenue those transactions represent; a provider handling a large number of low-value tickets is more significant in the market than one handling a handful of expensive ones. The value threshold is therefore both redundant and conceptually misdirected, and designation should rest on the volume metric alone.

[52] SWD(2026) 300, section 2.1.1: "CRS providers agreed, stressing that they face stricter rules despite handling a declining share of ticket sales".

The delegation in Article 4(9) empowering the Commission to amend the Annex I thresholds by Delegated Act "in order to adapt the thresholds to changes in the B2C MDMS market" introduces further uncertainty. The Commission is empowered in an open-ended manner to adjust the single most consequential parameter in the Regulation, checked only by the non-objection procedure of Article 16(6). Whatever level the co-legislators choose for the thresholds, including any correction of the denominator error described above, the Commission could lower again by Delegated Act. Essential elements of a legislative act cannot be delegated (Article 290(1) TFEU), and the designation should be interpreted as such; the delegation should be confined to maintaining the threshold selected by the co-legislators in terms of market share by adjusting solely for market volume changes.

Problem: the designation thresholds sit far below any market-power standard, a tenth of the EU market against the 40-50% at which dominance is assessed and a fifth of what the same package applies to rail; and the binding text states only absolute figures, with the 10%/30% intent confined to the non-binding Impact Assessment and unsupported even there.

Fix: lay down the designation thresholds in Article 4(2) and (3) as a market share of 50% of the Union market and 50% of the relevant national market for rail transport products sold, in volume of tickets sold, measured against all rail transport products sold for journeys within, to or from the Union over the same period. Market share shall in particular be calculated against all tickets sold in the relevant market, through both direct and indirect channels. A single published methodology and applying equally to B2C MDMS providers and B2B MDMS providers should be used. Annex I should be reduced to the figures implementing this market share; and confine the Article 4(9) delegation to keeping the Annex I figures aligned with that market share as market volumes change.

10. Adapted obligations: gatekeeper duties without gatekeepers (Articles 5 and 6)

10.1 The obligations go well beyond FRAND remuneration

The conduct obligations fall into three groups:

- **Article 5(2)** requires designated B2C MDMS and all B2B MDMS, when contracting with transport operators, to guarantee the confidentiality of commercially sensitive data; to refrain from unfair conditions or exclusivity clauses that hinder operators' agreements with other MDMS, from unrelated acceptance conditions and from restricting operators' use of other systems or direct channels; and to ensure that any agreed remuneration is based on fair, reasonable and non-discriminatory criteria.
- **Article 5(3)** adds, for all B2B MDMS, prohibitions on reserving loading or processing procedures for particular operators, an equal-information duty, and an obligation to separate distribution facilities from any operator's private inventory, management and marketing facilities.
- **Article 6** adds further obligations for B2B MDMS in their dealings with business users: no hindrance of switching or multi-homing, no unnecessary subscription conditions, no imposed technical equipment, and an open-ended prohibition of "any other unfair or unjustified conditions", plus a unilateral termination right for small business users.

Taken together, this is the comprehensive conduct regime the Union otherwise reserves for designated gatekeepers; the proposal applies it to a population of undertakings

whose market power has not been established, and to every B2B MDMS without any market test at all.

eu travel tech does not contest every element. Confidentiality of commercially sensitive operator data (Article 5(2)(a)) and the prohibition of exclusivity and tying (Article 5(2)(b)) reflect established regulatory principles, and the corresponding wording is carried over from the CRS Code of Conduct[53]. The objection is to the scope and to the unwarranted addition of the FRAND remuneration rule. Obligations designed in 1989 for airline-owned CRSs are being applied, largely unmodified, to a competitive and contestable intermediary landscape; one that has functioned effectively without price regulation for over three decades. Extending a price-fairness discipline lacks any legal or evidentiary basis. The evidentiary record of the Impact Assessment confirms the absence of such market power: the CRS share of EU air ticket sales fell from 30.1% in 2019 to 22% in 2024 and is projected to fall to 16.8% by 2030 (Section 9.1), the Commission's merger practice records that 80 to 90% of European flight tickets are sold directly by airlines,[54] MDMS platforms accounted for only 3.0% of EU rail tickets in 2019 (Section 2.1), and operators multi-home across intermediaries and can always sell directly, whereas intermediaries cannot sell what operators withhold. FRAND is a remedy for dependence, and the proposal establishes no dependence on independent intermediaries.

10.2 Limit Articles 5 and 6 in substance and in application

In application, Article 5 should impose obligations only on B2C MDMS providers and B2B MDMS providers designated as holding significant market presence, under the common designation mechanism and thresholds proposed in Sections 9.1 and 9.2. In substance, Article 5(2)(c) should be deleted together with Recital 12; the legitimate conduct concerns, confidentiality and the prohibition of exclusivity, unrelated conditions and channel restrictions, are fully addressed by Article 5(2)(a) and (b). Article 5(3) and Article 6 should be deleted, since B2B MDMS providers would be subject to Article 5(2) on the same terms as B2C MDMS providers once designated; their residual substantive concerns (facility separation, equal information, switching, multi-homing) are covered by Article 5(2)(a) and (b) when applied to designated MDMS, and business users retain the horizontal protections of the P2B Regulation in any event, so that a parallel sector-specific regime adds duplication, not protection. Applying the Recital 12 benchmarks, which are price-comparison indicia drawn from dominance analysis under Article 102 TFEU, to undertakings whose dominance has never been established inverts the logic of FRAND, handing the stronger negotiating party a regulatory lever against the weaker: based on the proposal's drafting, a mid-size B2B rail intermediary could be disciplined regarding its remuneration under FRAND in its dealings with Deutsche Bahn, an undertaking many times its size found by a national competition authority to abuse its dominance in this very relationship. Should the co-legislators nonetheless retain Article 5(2)(c), the FRAND remuneration obligation should apply only where the contracting transport operator is itself subject to the corresponding obligation of the Rail Ticketing Regulation, which requires railway service providers to ensure that any agreed remuneration is fair, reasonable and non-discriminatory. This preserves a balance of rights and obligations between transport operators and intermediaries, and ensures that air carriers, which

[53] Regulation (EC) No 80/2009, Articles 3, 6 and 10, from which the wording of Articles 5 and 6 of the proposal is largely transposed; see also SWD(2026) 300, Annex 9 on the evaluation of the Code.

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

have no comparable obligation, cannot rely on a FRAND obligation imposed on the intermediaries that distribute their content.[55]

The same logic applies to the scope of the Regulation as a whole. The passenger package places obligations on transport operators only in rail, through the Rail Ticketing Regulation, while this proposal places broad obligations on every MDMS provider, including providers that sell or re-link no rail transport products at all, irrespective of whether a market failure has been identified. The obligations of Chapter 2, including FRAND, are an intervention in commercial relationships between transport operators and intermediaries. They remain proportionate only where intermediaries are in turn ensured access to the operator's content through a corresponding legal obligation to share it; if the Rail Ticketing Regulation is adopted, this is the case only for rail. The obligations of this Regulation should therefore be limited to the sale and re-linking of rail transport products, including the rail component of a combination such as a ticket combining air and rail, and Chapter 2 should apply only to rail products whose operator is legally obliged to make them available to the provider concerned (see Annex, Article 2(1) and new Article 2(6)).

Problem: Articles 5 and 6 impose the full gatekeeper conduct regime, including a FRAND remuneration duty, on every B2B provider and on undertakings that have not been found to hold any market power, inverting the logic that FRAND remedies dependence on a powerful counterparty.

Fix: narrow the scope in Art. 2 to cover to the sale and re-linking of rail transport products, apply Article 5 only to designated B2C MDMS providers and B2B MDMS providers; delete Article 5(2)(c) and the Recital 12 benchmarks or, should the co-legislators retain Article 5(2)(c), confine it to transport operators subject to Article 6(1)(g) of the Rail Ticketing Regulation; delete Article 5(3) and Article 6.

11. Marketing information data (Article 8)

Article 8 obliges MDMS providers to make marketing, booking and sales data generated through their systems available to transport operators. The provision is transposed from the CRS Code of Conduct, where such data took the form of Marketing Information Data Tapes, the very name a reminder of the bygone era in which the rule was written. In that context, the obligation served the same anti-self-preferencing purpose as the rest of the Code: a parent carrier owning the reservation system would otherwise enjoy privileged access to the sales data of its competitors, and equal access had to be mandated to remove this advantage.

With airline ownership of distribution systems gone (Section 3.2), the rationale has gone with it. There is no longer a parent carrier inside the system to enjoy privileged access, and the data services concerned are today a normal commercial product that global distribution systems and other providers offer to carriers on ordinary contractual terms. What the Code framed as a remedy against an owner's structural advantage, the proposal re-enacts as a permanent obligation to supply, on demand a service which the market already provides; it restricts a legitimate commercial offering rather than correcting a distortion.

[55] COM(2026) 232, Article 6(1)(g): railway service providers entering into commercial agreements pursuant to Article 4(1) shall "ensure, where it is agreed that remuneration shall be applied, that such remuneration is fair, reasonable and non-discriminatory".

Problem: Article 8 carries over a Code-of-Conduct anti-self-preferencing remedy whose premise, operator ownership of the distribution system, no longer exists; it now constrains a data service offered commercially in a competitive market.

Fix: deletion of Article 8 (1).

Other issues

12. Administrative burden and enforcement

12.1. 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 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.[56] 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: re-engineering displays for the neutral display rules (EUR 12 to 16.5 million), GHG display integration (EUR 12 to 16.7 million), equal-care data processing (EUR 9 to 12.4 million), marketing-data sharing (EUR 6.9 to 9.5 million), and above all building and maintaining an API to feed data to public transport authorities (EUR 52.9 to 72.6 million, with a one-off cost of EUR 117,719 per platform).[57] The Commission's figures likely understate the burden: the legal mapping costs created by the dual B2C/B2B

[56] 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.

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

regimes (Section 9.1), the redesign of personalization features prohibited by Article 7, and the revenue lost due Article 7(11) appear nowhere in the calculus, while the offsetting "cost savings" rest on an assumed EUR 2,000 of streamlined negotiation per agreement.[58]

Two details are of particular note. First, the Impact Assessment notes that the designation process "leverages on information already submitted through the Rail Market Monitoring Scheme"[59]: the reporting is built around rail incumbents, confirming that the undertakings actually expected to qualify are the operator-owned platforms already addressed by the RTR, while the apparatus is nonetheless imposed on the entire independent sector. Second, the sensitivity analysis shows that costs scale directly with how low the thresholds are set[60], meaning every percentage point of unjustified threshold reach is paid for in compliance and enforcement cost. All of this collides head-on with the EU's declared political priorities. The Commission has committed to cutting reporting burdens by 25%, and by 35% for SMEs, and has made regulatory simplification the organizing principle of its competitiveness agenda, from the Draghi report to the Competitiveness Compass and the omnibus simplification packages[61]; this proposal moves in the opposite direction, creating a new standing reporting regime, a new designation apparatus and 27 new enforcement mandates for a sector of mostly mid-sized European technology companies. The Impact Assessment rightly invokes the 'one in, one out'[62] principle 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 below, 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 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.

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[58] SWD(2026) 300, footnote 185: "The cost saving per new agreement is assumed at EUR 2,000 and per renegotiated agreement at EUR 1,183, based on input from stakeholders."

[59] SWD(2026) 300, section 6.1 (one-off administrative costs for MDMS platforms).

[60] SWD(2026) 300, section 7 (sensitivity analysis on the 'low SMP threshold' case): lowering the EU-level threshold from 10% adds three further platforms to the designation process and increases administrative and adjustment costs across all policy options.

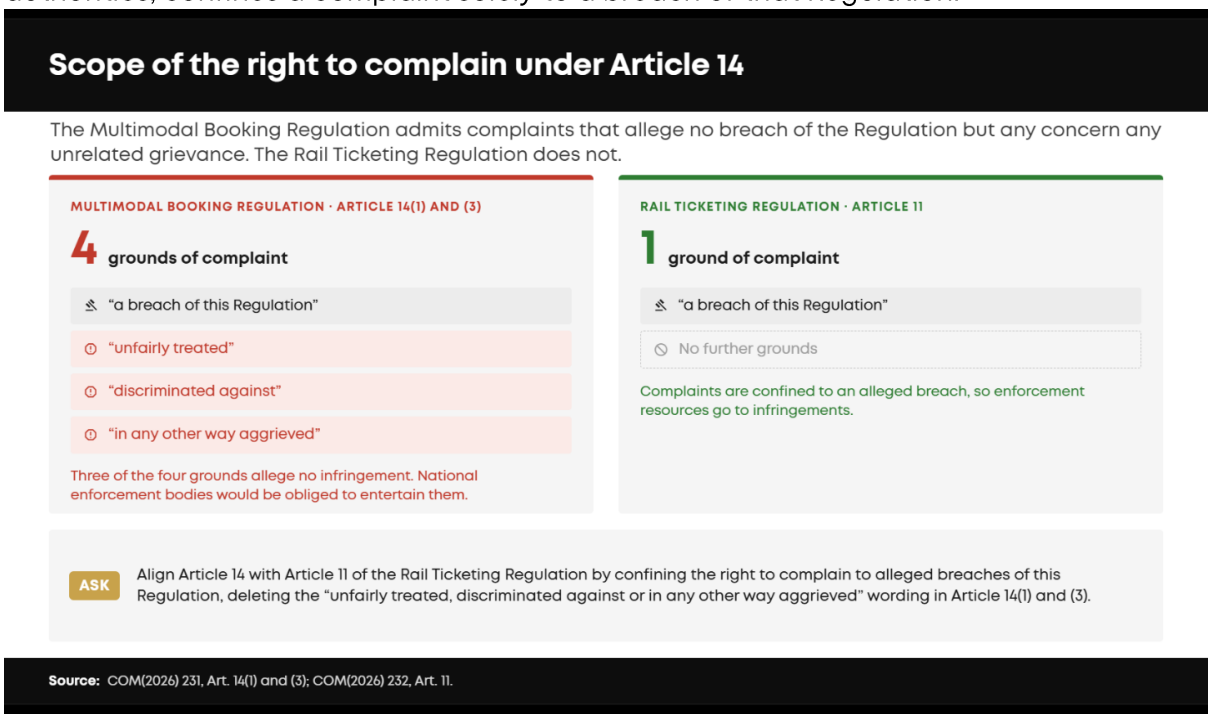
[61] Commission Communication, 'Long-term competitiveness of the EU: looking beyond 2030', COM(2023) 168 (25% reporting-burden reduction target, 35% for SMEs); Commission Communication, 'A Competitiveness Compass for the EU', COM(2025) 30; M. Draghi, The future of European competitiveness (September 2024).

[62] 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)".

Fix: reduce the permanent reporting mechanism to a designation-based regime: mandatory reporting and notification only where thresholds are exceeded instead of blanket reporting (the Annex (Article 4)), obligations applying only upon designation, redesigned thresholds (Section 9.2), and cost-coverage rules wherever platforms are required to produce data for third parties (see Annex, Article 10). Regarding complaints, align Article 14 with Article 11 of the RTR 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).

12.2 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).

12.3 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. The review clause of Article 18 should be required to assess the balance of rights and obligations between transport operators and intermediaries across this Regulation and the RTR (Section 2.3).

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); and require the Article 18 review to assess the operator/intermediary balance and developments in the market across this Regulation and the RTR.