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REGULATORY SCRUTINY BOARD OPINION

Impact assessment of Multimodal Digital Mobility Services (MDMS) and
Single Digital Booking and Ticketing Regulation (SDBTR)

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Brussels,
RSB

Opinion

Title: Impact assessment of Multimodal Digital Mobility Services (MDMS) and Single Digital Booking and Ticketing Regulation (SDBTR)

Overall 2nd opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

The Multimodal Digital Mobility Services Regulation (MDMS) targets all digital platforms for passenger transport in waterborne, air, rail, and road, and aims at facilitating the access to information, booking or payment of travel tickets by setting rules to ensure a level playing field and fair cooperation between platforms and transport operators.

The MDMS proposal includes the repeal of Regulation (EC) No 80/2009 on a Code of Conduct for Computerised Reservation Systems ('CRS Code of Conduct') whilst updating and integrating the provisions that remain relevant.

The Single Digital Booking and Ticketing Regulation (SDBTR) targets railway undertakings (RU) and will set rules on access to rail tickets as well as access for RUs to rail ticketing platforms.

The legislative proposals are part of the wider framework of EU measures aimed at achieving climate-neutrality by 2050 as set out in the European Green Deal, the Sustainable and Smart Mobility Strategy (SSMS), and the Single European Rail Area.

(B) Key issues

The Board notes the improvements in the revised report.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the lead Service to rectify the following aspects:

- (1) The report should further clarify the scope of the intervention, including on multi-modal versus rail and the inclusion of mere transport information services versus on-line ticketing.**
- (2) 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.**
- (3) The report does not take into account the limitations of the methodology for estimating the modal shift and the resulting uncertainties which drive the estimation of the benefits and the identification of the preferred option.**
- (4) The impact on competition and distribution of costs and benefits between different market actors is not sufficiently assessed.**
- (5) The assessment of the proportionality of the preferred option, including sharing and hosting obligations by ‘indispensable’ RU platforms, is not sufficient.**

(C) What to improve

(1) Regarding the scope of the initiative, the report should explain why platforms that do not sell tickets but only offer transport information and redirect to ticket-selling intermediaries and operators are included in the scope even though the alleged two market failures/problems of uneven playing field in the online ticketing market and incomplete offer of rail tickets on (rail) platforms are about ticketing. Based on an improved analysis of market failures (see point 2 below), the intervention logic should be reviewed to clarify how far market failure/problem 1 on ticketing relates to the wider specific objective 1 and can be addressed by policy measures 1-4 that do not specifically refer to ticketing. Throughout the report and the description of measures and options, ticket selling services and mere transportation information services should be more clearly distinguished.

(2) The report should demonstrate more clearly the evidence base for the alleged market failures and their magnitude. In view of the recent technological evolution, including artificial intelligence since the initiative was first put forward in 2023, the report should analyse to which extent these developments would facilitate a level playing field in the concerned markets with regards to transparency.

(3) The report should assess to what extent the problem drivers are sufficiently exhaustive and/or to what extent drivers outside the initiative’s scope might impact the success of the initiative.

(4) The analysis of unintended consequences should be significantly strengthened, including the risks that incumbent RUs would decide to move out of scope of PM14 (‘hosting obligation’) by only selling tickets of services they operate directly, thus potentially leading to the opposite than the intended effect. The additional administrative burden on undertakings and public authorities for the identification of indispensable actors

and the control of commercial agreements on distribution fees (PM9-12) should be enhanced in light of simplification efforts and the one-in, one-out approach.

(5) While an effort was made to quantify the benefits, the expected contribution of the intervention to modal shift is based on methodology and assumptions which have limitations as they rely on stated preferences, expert judgment and opinions of stakeholders. Consequently, the benefits resulting from the estimated modal shift should not be included in the cost benefit analysis and the comparison of the options should be revised.

(6) In light of the far-reaching nature of some of the measures (such as PM13, PM14, PM15), the impact on market dynamics and market power, competition and innovation should be better assessed, including on indispensable RUs, willing RUs and willing MDMS platforms. The report should detail better what the impacts are of PM13 ('sharing obligation') compared to PM14 ('hosting obligation') for incumbent RUs and how the resulting increase in costs for RUs is likely to impact the rail sector operation overall, including potential pass-through costs to consumers. It should discuss the business model underlying the sharing obligation and whether independent platforms are supposed to pay the operators for the provision of transport data or vice-versa.

(7) The analysis underlying the comparison of options is insufficient for supporting the conclusion on the preferred option, especially regarding the comparison of PO2 and PO3. The report needs to sufficiently assess the relative importance of hosting on indispensable RU's ticketing system, not least taking into account that the marginal contribution of PM13 on modal shift is substantially higher than for PM14, according to the report. The proportionality of the requirement for a company to host services for its competitors is not sufficiently demonstrated. The alignment of incentives between sellers and buyers should be further analysed.

(8) The report should be clearer on the available enforcement options. If enforcement is left to national authorities, it should explain how a level playing enforcement field will be ensured and regulatory implementation fragmentation avoided.

(9) Regarding coherence, the report should explain better how far the EU consumer and digital legislation – e.g. Unfair Commercial Practices Directive, Platform to Business Regulation, Data Act, Digital Services Act (DSA), Digital Markets Act (DMA), AI Act and the forthcoming Digital Fairness Act – already addresses the identified problems.

(D) Conclusion

The lead Service may proceed with the initiative.

The lead Service must revise the report and its executive summary in accordance with the Board's findings before launching the interservice consultation.

Full title	Regulation on Multimodal Digital Mobility Services (MDMS) (including revision of Regulation (EC) No 80/2009 on a Code of Conduct for Computerised Reservation Systems) and Single Digital Booking and Ticketing Regulation (SDBTR)
Reference number	PLAN/2021/10509
Submitted to RSB on	11 March 2026
Date of RSB meeting	Written procedure



Brussels,
RSB

Opinion

Title: Impact assessment / Multimodal Digital Mobility Services (MDMS)

Overall opinion: NEGATIVE

(A) Policy context

Multimodal Digital Mobility Services (MDMS) is a legislative proposal to help develop MDMS platforms and to revise the existing Code of Conduct for Computerised Reservation System (CRS). By facilitating the access to information, booking and payment of travel tickets, MDMS aims to make it easier for travellers to choose multimodal mobility options. MDMS is part of a framework of EU measures aimed at achieving climate-neutrality by 2050.

(B) Summary of findings

The Board notes the additional information provided and commitments to make changes to the report.

However, the Board gives a negative opinion because the report contains the following significant shortcomings:

- (1) The report does not clearly set out the problem and expected contribution to the modal shift to be achieved by the initiative, and which MDMS services will be included/excluded in its scope. It does not clearly explain the initiative's expected impact on the behavioural change of travellers and transport operators, and its potential to tackle the underlying problem drivers.**
- (2) The report does not sufficiently explain the design of the options, nor the link between policy options and specific objectives. It does not clearly set out the rationale, content and functioning of key measures, including the rules on rail journey continuation, the coverage of SMEs, the designation of indispensable actors and the role of competent public authorities.**
- (3) The report does not adequately explain the methodological approach, the limitations of the evidence used, the underlying assumptions, and the robustness of the analytical results presented. The analysis of impacts on SMEs, competitiveness and of administrative costs under the One In, One Out approach is under-developed.**
- (4) When comparing the options, the report does not sufficiently reflect the limitations of the evidence base when assessing the proportionality of measures, including mandatory sales and services obligations, and selecting preferred options. It neither analyses sufficiently, nor clearly presents opposing stakeholders' views on key**

issues, in particular on the identified problems, their drivers and the proposed policy measures.

(C) What to improve

(1) The report should set out a clear definition of the initiative's scope upfront. It should clearly set out the scope of MDMS including by explaining what "competing operators" implies in practice. It should clarify upfront the scale of the problem, substantiating with evidence the untapped potential of multimodal mobility solutions under the dynamic baseline scenario and by being clear what realistically the expected contribution of the initiative could be, in the context of all current initiatives in multimodality. It should also clarify with evidence in its problem definition, the key market failures justifying EU intervention and the relative importance of the problem drivers. The report should assess to what extent these problem drivers are sufficiently exhaustive and/or to what extent other drivers are relevant for the success of the initiative (but outside the initiative's scope). It should also better describe the relevance of each of the drivers depending on the transport mode.

(2) Given the significant decrease of market share of CRSs in the distribution of tickets over the last decade, the report should substantiate with evidence their assumed continued (joint) dominance and (potential) abusive market behaviour. It should better argue why a revision of the Code of conduct for CRS is still relevant, given the market innovation and technology dynamics of the airline ticket distribution sector. Regarding the issue of rail journey continuation, the report should provide an evidence-based analysis supported by a market failure-based rationale for regulatory intervention. Given existing regulations and measures in place, the report should be clear on the size of the remaining gap, both within the same operators and across all operators, including potential developments of the rail markets.

(3) The report should clarify the intervention logic, in particular, how this initiative would induce behavioural change among users of mobility services and transport operators, as well as the evidence base supporting these expectations. It should make clear how the policy options address the specific objectives. The specific objectives should be phrased in more SMART terms to better understand what the change potential of this initiative is and how "success" is defined. These objectives should be reflected in corresponding evaluation and monitoring indicators measuring the specific impacts of the measures in terms of contribution to the increased multimodality deployment and modal shift, including private road transport reduction.

(4) The report should better explain the rationale, content and functioning of key policy choices. It should provide greater clarity on how 'indispensable' operators and MDMS have been defined and what the supporting economic analysis for choosing a single 50% national market share for all MDMS and transport modes is. It should clarify how alternative thresholds would affect the impacts of the measures. It should also describe in greater detail what the rules for rail journey continuation would look like, including how compensation fees in case of multi-operator journey continuation would be fixed. It should explain the need for all MDMS to have neutral display requirements, even if they do not have market power. The option chapter should also clarify the relevance of each of the different policy measures to SMEs and whether these might result in adjustment costs should they want to benefit from them. The report should be clearer on the available enforcement options. If enforcement is left to national authorities, it should explain how a level playing enforcement field will be ensured and regulatory implementation fragmentation avoided.

(5) The report should significantly improve the explanation and presentation of the impact analysis. The impact section should explain the theory of change, evidence and assumptions used in the analysis while Annex 4 should be clear how all parts of the analysis link

together, provide more detail on the approach and assumptions that underpin the ASTRA modelling and its link to the cost-benefit analysis. The report should be more transparent about the methodological limitations and uncertainties. It should be explicit on the reliability of extrapolating specific municipal level evidence to the EU level and on whether the evidence refers to specific modes of transport or specific settings such as urban transport. Given that the benefits related to reduction in external costs of road accidents are significant and drive the net benefit impact of the initiative, it should be clear what evidence underpins the estimates and how robust the analysis is. The report should provide a clear and convincing analysis explaining how the initiative will result in an expected modal shift leading to very high estimated benefits from the reduction of the number of road accidents.

(6) The report should undertake further analysis employing multiple evidence sources to assess the impacts of the options and measures on competitiveness, SMEs, competition and Member States (in their enforcement role). It should, including through a dedicated SME test, more clearly explain the impacts on SMEs. It should provide a more nuanced and comprehensive assessment of competitiveness of the affected transport and services sectors, both in the main report and in the annexed competitiveness check. It should better assess the impact on market dynamics and market power, competition and innovation, including the risk of collusive behaviour potentially emerging from fixing interline fares or selling tickets of competitors, in particular, in light of the far-reaching nature of some of the measures. The report should further elaborate on the enforcement role of Member States and estimate the enforcement costs that will fall exclusively upon them. It should present the One In, One Out estimates in a clear and comparable way.

(7) The report should explain better the divergent views of different groups of stakeholders, in particular, on the identified problems, their drivers and the proposed policy options. The report should be more open and nuanced about the limitations of marrying a limited evidence base to ambitious policy measures. It should include a strengthened proportionality assessment regarding mandatory sales and service agreements. Given that no single preferred option is identified, the report should better inform the decision makers in terms of the pros and cons of the two short-listed preferred options.

Some more technical comments have been sent directly to the author DG.

(D) Conclusion

The DG must revise the report in accordance with the Board’s findings and resubmit it for a final RSB opinion.

Full title	Multimodal Digital Mobility Services (MDMS) (including revision of Regulation 80/2009 on a Code of conduct for Computerised Reservation Systems)
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