ECTAA
THE EUROPEAN TRAVEL AGENTS' AND TOUR OPERATORS' ASSOCIATIONS

Protecting consumer choice and transparency: why the Passenger Package should extend FRAND and content-sharing obligations to ***all*** transport operators with strong market presence

ECTAA represents some 80.000 travel agents and tour operators across Europe. We welcome the European Commission's Passenger Package. We support the ambition to foster sustainable, multimodal travel, but the proposed framework of the Regulation on Multimodal Booking (RMB) and the Rail Ticketing Regulation (RTR) contains critical competition gaps.

To protect consumer choice and ensure real marketplace transparency, EU legislators should extend the obligation to conclude commercial agreements on Fair, Reasonable, and Non-Discriminatory (FRAND) terms—including mandatory content sharing—to all transport operators with strong market presence, particularly in the aviation sector. Without this extension, Multimodal Digital Mobility Services (MDMS) providers will be legally restricted from delivering the impartial, transparent comparisons consumers expect.

The hosting obligation for dominant railway companies' distribution channels foreseen in the RTR will further strengthen them. Already dominant distribution channels of these very strong railway companies should not be further strengthened!

Main concerns - asymmetries & risks to multimodality

1. Severe imbalance in FRAND application (mode non-neutrality)

The RMB proposal requires FRAND conditions for "indispensable" MDMS providers – B2C MDMS with significant market presence as well as B2B MDMS – in agreements with transport operators. This despite no known case of an abuse of market power amongst independent MDMS. No similar protection is foreseen for transport operators in the RMB.

The RTR requires railway companies to apply FRAND conditions in their commercial agreements. However, no obligation to apply fair, reasonable and non-discriminatory terms in commercial agreements is foreseen for transport operators other than rail.

The current proposals **completely ignore indispensable transport operators outside of rail**: Especially in the airline sector we see massively increasing consolidation. Strong airlines and airline groups withhold increasingly content from independent travel intermediaries with an impact for a well-functioning marketplace. For MDMS providers many airlines are indispensable, e.g. Lufthansa for a travel agent in Germany, Iberia for a travel agent in Spain and Air France for a travel agent in France. The Italian Competition Authority's recent antitrust case against Ryanair[1] underscores how dominant air carriers exploit this asymmetry to impose unfair commercial conditions on independent distributors.

2. "Neutral Displays" and ranking while lacking content

The RMB proposal imposes far-reaching requirements on "neutral" displays and rankings for MDMS that go beyond what existing horizontal instruments (e.g. UCPD) require, despite the absence of clear evidence of market failure.

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[1] https://en.agcm.it/en/media/press-releases/2025/12/A568

MDMS however can only rank, display, and combine what it has technical and commercial access to. As described above, especially strong airlines increasingly restrict independent channels' access to complete fare content, fare classes, and ancillary services (e.g., through direct-connect and NDC models). Rigid display rules for MDMS without any obligation for all relevant content including ancillary services for transport operators will not create transparency.

In addition, there are open questions about how these display and ranking criteria will interact with the new obligation in the revised Air Passenger Rights Regulation to show, by default, fares including carry-on luggage

3. Hosting obligation will further strengthen dominant railway distribution channels

The RTR introduces a "hosting obligation" requiring dominant railway undertakings to integrate competitors' services onto their proprietary retail platforms. Rather than fostering competition, this will trigger network effects that further entrench the distribution power of dominant incumbents, turning them into "super-competitors" and draining traffic away from neutral, independent multimodal platforms.

Suggested enhancements

To achieve real transparency and choice allowing for easier and more uptake of multimodal travel, ECTAA urges co-legislators to consider the following amendments:

- **FRAND obligations beyond rail:** FRAND principles must apply consistently across *all* transport modes. Any transport operator with significant market presence must be mandated to establish commercial distribution agreements with independent MDMS providers on fair, reasonable, and non-discriminatory terms.
- **Content sharing:** Introduce explicit content-sharing obligations for strong transport operators beyond rail (especially major airlines and airline groups) on FRAND terms. Transport operators must provide independent MDMS providers and travel intermediaries with fair, complete, and non-discriminatory access to all fares, inventory, and ancillary data.
- **No hosting obligation in RTR:** Remove the anti-competitive hosting mandate for dominant rail platforms. The goal of ensuring visibility for new rail entrants can be achieved through comprehensive FRAND data-sharing obligations directly from railway undertakings to independent B2B and B2C MDMS channels.
- **Transparent ranking:** Vertical regulation already requires clear disclosure of ranking parameters and paid-prominence. Overly rigid ranking methodologies will prevent innovation and differentiation. It will put independent distribution channels at a disadvantage over direct channels of transport operators.

Conclusion

MDMS providers cannot deliver transparency if they are starved of content. By ensuring that independent distributors can access rail and other transport mode content on a FRAND basis, the EU will secure a genuinely competitive, innovative, and consumer-centric European mobility market.