Have your say - proposal for a Regulation of the European Parliament and of the Council on rail ticketing (2026/0115 (COD) – comments from the Norwegian Regulatory Body

The Norwegian regulatory body welcomes the proposed Regulation on rail ticketing. In particular, the proposal could help address challenges relating to the market conditions for railway undertakings (RU). A specific regulation is essential to prevent potential market distortions arising from vertical integration between online ticketing service providers and RUs with a significant market presence.

In our view, RUs currently face unfair market conditions, due to the lack of fair and transparent ticket sales through online ticketing platforms. RUs are prevented from competing on equal terms, because their services are not made equally accessible to customers through fair and neutral display and sale of tickets on such platforms.

The obligations set out in Article 5 of the proposal could help address these challenges. Both the obligation to enter into commercial agreements with requesting RUs on fair terms and the duty to display all available rail services neutrally and include them in relevant search results, are likely to improve the above-mentioned challenges in the existing market for rail services. The obligations of Article 5 may also lower barriers to entry for new RUs, by making it easier to reach potential customers with new transport services. In turn, these positive effects on competition in the railway passenger transport services market are likely to benefit rail passengers, in line with the objective of the proposed Regulation and the Passenger Package.

The Norwegian regulatory body is also positive to the proposed regulation in light of digital developments in the rail ticketing market. In this regard, we consider the proposal to be an important development of the rules governing rail ticketing in Directive 2012/34/EU. Over the past decade, rail ticket sales have shifted from physical points of sale, as referred to in Annex II (2)(a) of that Directive, to more online channels such as websites and apps. This development requires an updated regulatory framework for the online rail ticketing market, including rules ensuring RUs access to such platforms on fair and equal terms. Such access is a prerequisite for fair competition between RUs in the European railway transport markets.

We note that the proposed rail ticketing regulation contains substantive rules on pricing and remuneration, including that charges and remuneration in commercial agreements must be fair, reasonable and non-discriminatory, and that pricing by indispensable online railway ticketing service providers is unfair where it is disproportionate to the cost of the service provided, see recital 8 and Article 6. Since the proposal also regulates distribution-related remuneration, one-off connection costs and other financial conditions for access to ticketing platforms, it would be useful to clarify its relationship with Article 31(7) and (8) of Directive 2012/34/EU, under which charges for the supply of services shall not exceed the cost of providing the service plus a reasonable profit. Such clarification would strengthen legal certainty and reduce the risk of divergent interpretation.

Finaly, believe that it would be helpful if the proposed regulation on rail ticketing clarifies the relationship between the existing rules on rail ticketing in Article 13(2) and Annex II point 2 (a) and point 4 (d) in Directive 2012/EU as well as in Article 13a