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MIND THE GAP - MAKING THE MULTIMODAL JOURNEY THE EASY JOURNEY

BEUC's position on the Multimodal Digital Mobility Services initiative

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Why it matters to consumers

Although consumers want to move around more sustainably, the need for a modal shift (and in particular towards rail) in their mobility habits is of such magnitude that it cannot rely on their individual decisions alone. The pre-condition for this modal shift to happen is for consumers to have a multimodal offer that is easy to use and attractive.

Yet, planning a multimodal or long-distance journey is still an obstacle course, due to difficulties in finding and paying for tickets, poor information on connections or lack of rights for passengers who use several modes of transport or travel with different operators.

The upcoming European Commission initiative on Multimodal Digital Mobility Services has the potential to translate one of the Green Deal's objectives into consumers' daily life and help make the sustainable transport option the convenient one.

Summary of BEUC's policy recommendations

For the MDMS initiative to increase consumer choice and promote sustainable transport options, the following principles should be included:

- Data must be widely shared between transport operators, infrastructure managers and intermediaries under fair, reasonable and non discriminatory (FRAND) conditions;

- Unfair practises from transport operators or MDMS platforms must be strictly identified and banned by the MDMS initiative;

- Information on schedules, fares and real-time travel times must reach consumers in a neutral and timely fashion, leaving them the choice to choose their travel preferences;

- Costs related to data sharing must be transparent and cannot be unduly passed on to consumers;

- MDMS platforms should be accountable for the services they provide to consumers who must benefit from an improved protection of their rights when traveling multimodal.

This paper further details these policy recommendations and outlines the main challenges for consumers to benefit from the MDMS initiative.

Recommendations are highlighted in boxes throughout the paper.

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Introduction

"Booking international rail travel is far too complicated"[1] is the conclusion from BEUC member Consumentenbond when advising Dutch consumers about the options to travel in Europe from the Netherlands. This echoes Executive Vice-President Frans Timmermans' recent comment: "People want to travel by train, but you have to make it easier for them"[2]. This is a well-known problem for BEUC member organisations, which note that while consumers are willing to make the switch to more sustainable transport options, they still face frustrating technical and economic barriers to do so.

Indeed, despite countless promises from the railway operators and years of problem acknowledgement[3], finding, comparing, and booking multimodal journeys is a hassle. Committed consumers need to navigate between numerous websites with different pricing or deal with conflicting timetables and the impossibility to get a single ticket for one journey. That comes on top of the insecurity regarding basic passenger rights when travelling with different operators, poor services on some routes due to insufficient investment, the lack of coordination between EU countries or technical and administrative barriers for cross-border rail services.

In its Sustainable and Smart Mobility Strategy and the action plan to boost long distance and cross-border passenger rail[4], the European Commission announced several initiatives which have the potential to improve the consumer experience of traveling multimodal. This is notably the aim of the upcoming Multimodal Digital Mobility Services (MDMS) initiative.

In this position paper, BEUC outlines its policy recommendations for the MDMS initiative to deliver for consumers. As international train travel has much to benefit from such initiative, we give a particular focus on this transport mode. The MDMS initiative will nonetheless include planes, buses or local and regional transport.

The necessary modal shift to help reduce transport emissions

Around 9.5 billon passengers[5] are taking the train every year across Europe, mostly for their daily commute but also to engage in longer-distance trips. This number must be balanced against the share of each transport mode in the EU. Looking at passenger transport today, the modal share of the car is almost 80% (up from 2000), against 9% for rail (stable since 2000). At the same time, the share of public transport is decreasing, while more and more people are taking the plane[6].

A modal shift to sustainable transport modes "has not been realised so far", as the European Environment Agency rightly points out[7]. On the contrary, the share of polluting transport modes is increasing. This is even more staggering when zooming in the massive

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[1] Consumentenbond, Boeken internationale treinreis veel te ingewikkeld, consulted on 15 January 2023.
[2] BNR, Frans Timmermans hekelt Europese treinbedrijven: 'Ik ben het spuugzat', consulted on 15 January 2023.
[3] The Commission's "White Paper on Transport" published in 2011 already highlighted the ticketing/booking issues and hinted it at regulatory intervention. 10 years later, the Commission set out an action plan to boost long-distance and cross-border passenger rail with the same diagnostic. In the meantime, railway operators have promised to act via voluntary agreements which have, in practice, not delivered.
[4] Commission's Sustainable and Smart Mobility Strategy and action plan to boost long-distance and cross-border passenger rail.
[5] CER, Passenger outlookv, consulted on 15 January 2023.
[6] Enerdata, Transport emissions trends in the EU, consulted on 15 January 2023. EASA, Environmental report 2022, page 3.
[7] EASA, Ibid., page 5.

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increase in car use since 1960[8] or the surge in the number of planes flying in Europe for the past 20 years[9], boosted by the large deployment of subsidised regional airports.

A growing transport demand and the greater use of polluting transport modes which have not been decarbonised led to a worrying result: transport emissions were 33.5% higher in 2019 than in 1990. And while several EU policies aim to increase the energy efficiency of cars or planes and reduce the carbon intensity of the energy they use[10], technological improvements must be complemented by a modal shift. Although being deployed fast, electric vehicles are not the panacea. They alone cannot enable the passenger transport sector to meet its climate targets, while they contribute to traffic jams or occupation of public space as much as conventional cars[11]. This is also true for planes, as air traffic is planned to increase, while sustainable aviation fuels could, in an optimistic scenario, start delivering substantial emissions reduction only in the 2030 decade at the earliest[12].

On the other hand, passenger trains emit between 4 and 7 times less greenhouse gas emissions (gCO2 per passenger-kilometre) than flights and cars[13], while walking, cycling or the use of public transport also provides significant emissions savings. Several sources point out that the emission reduction potential of modal shift – and notably a shift to rail – can be between 5 and 20%, depending on whether we consider long-distance transport only or combine long-distance and urban transport.

Therefore, policymakers cannot avoid pulling the modal shift lever. This is even more so as overall transport demand is expected to continue its upward trend in the decades to come[14]. Yet, modal shift cannot happen on its own. The right enabling conditions must be met to unlock it full potential. The MDMS initiative can help trigger this change.

1. Making the sustainable transport option the easy one – BEUC recommendations for the MDMS initiative

By June 2023, the European Commission is expected to propose an initiative on Multimodal Digital Mobility Services (MDMS). This initiative has three objectives[15]:

- Improve the planification and purchase of tickets for journeys that combine different modes of transport;

- Allow consumers to compare different options, via digital services such as route planners and ticket vendors;

- Better integrate public transport and rail services to achieve seamless multimodal passenger transport.

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[8] Enerdata, Ibidem.

[9] EASA, Ibid., page 3.

[10] For example, the CO2 standards for cars, the Renewable Energy Directive or other sector-specific renewable fuel mandates for planes such as the Refuel EU Aviation initiative which contains a mandate for the use of Sustainable Aviation Fuels.

[11] What's more several challenges need to be addressed to avoid stagnation in EV sales or to ensure the supply of lighter vehicles (e.g. the trend towards SUVs has caused an increase in passenger car emissions between 2015 and 2019) – European Environment Agency, Transport and environment report 2021, page 47.

[12] EASA Environmental report 2022, Executive Summary and Recommendations, page 7.

[13] Kearney, Digitally driven multimodality can supercharge sustainable growth of European passenger mobility, page 4 and European Environment Agency, Ibid., page 38. Scenarios are developed under current assumptions (Well-to-Wheel emissions, current occupancy rate). According to the European Environment Agency, conducting a full lifecycle analysis does not change the ranking between modes obtained with the well-to-wheel analysis, although rail has the highest relative impact of emissions related to infrastructure.

[14] Enerdata, Ibidem.

[15] European Commission, MDMS Initiative details, consulted on 15 January 2023.

To make the best out of this proposal, MDMS should be defined as "*a service providing information on traffic and travel data such as location of transport facilities, schedules, availability or fares for more than one transport operator, which may include features enabling the making of reservations, bookings or payments or the issuing of tickets*"[16]. This definition should include:

- Independent or transport operators' platforms offering services for one transport mode but via different operators;
- Independent or transport operators' platforms when they distribute more than one transport mode.

BEUC recommendation

A holistic definition of MDMS should cover independent platforms and those affiliated with transport operators.

1.1. The journey of a consumer looking for a long-distance ticket

When looking for a train or multimodal option to travel long distances, consumers often have to go through a lengthy, complicated process. They navigate through different search engines, platforms or transport operator's websites, trying to figure out the cheapest fares as tariffs vary greatly from one browser tab to the other. Consumers are often unable to combine tickets or are not offered realistic connecting times, due to platforms not displaying all available transport options or all transport operators operating the chosen route. A Brussels-Madrid search can easily become a combination of tickets Brussels-Paris-Valence-Barcelona-Madrid singlehandedly made via multiple websites after hours of research, hesitations, and calculations. And that is if you're lucky enough to connect European capitals and not try with smaller cities.

The 'fallback' option surely is the easy one: going to a well-known flight comparator and book a ticket in one or two clicks. Yet this solution is far from being the most sustainable one. But consumer behaviour and choices are not only financially but also practically directed towards polluting activities.

A radical change is therefore needed to enable fair, complete, and transparent comparison of multimodal tickets.

1.1.1. When searching for transport options: consumers must have access to all relevant and up-to-date pre-journey information

This change must first materialise when consumers open their computer to look for sustainable transport options, or go to a station/travel agency to find a ticket[17]. All MDMS must have, upon request and in a usable format, an easy and open access to the necessary content of transport operators to allow for complete pre-journey information. This primarily relates to all fares for single/return trips (reductions for young people, economy/business class, special fares and offers etc.), timetables or ancillary services (such as prices for different luggage types, services on board, possibility to hop on with a bike, etc.). In the case of a route served by a Public Service Obligation (PSO), the public authority responsible for this route should also make sure the data available to MDMS intermediaries (although specific requirements on ticket re-selling can be added).

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[16] European Commission, Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport.

[17] See section 1.2 Navigating a digital market: protect consumers and ensure options for the less tech-savvy.

Several EU regulations and technical guidelines[18] already include data sharing requirements from transport operators to intermediaries. Yet some provisions are not fully implemented, some are only voluntary and other data sets are needed to offer consumers a seamless experience and allow them to exercise their rights. Furthermore, the correct implementation of these existing requirements is not always happening.

Worse than this, evidence shows that restrictions to content access are being used in the rail sector[19] to lock-in consumers. Incumbent transport operators are seeking to secure searches and transactions made by consumers via their own distribution platforms, therefore restricting competition and consumer choice of points of sale. In addition, this clearly hampers the possibility to find, compare and book multimodal tickets.

In response, MDMS and online travel agencies are using different methods to get this content – from agreements with Global Distribution Systems (see example below), to the use of meta-search engines, the development of their own mode-combining system or direct screen scraping[20]. With some actors even claiming that they are "hacking the transport operators' system"[21], the risks for consumers are real. The information provided is not always accurate, and when in need of assistance and reimbursement, consumers are left in the middle of lengthy liability disputes between intermediaries and transport operators.

Pre-journey data should also be made available through EU or national data access points ensuring interoperability and common access for further use, such as cross-border coordination of timetables. For consumers, it is the guarantee that the information provided is accurate and liability mechanisms are activatable should they engage in booking a journey via an MDMS.

In return for access to transport operators' content, platforms must be obliged to display prices in a transparent manner. All components of a price, including where relevant service fees (or discount) applied by the intermediary, must be known to consumers.

Complementary to this provision, the MDMS initiative should ensure that strict data quality control mechanisms are put in place. Feedbacks must lead to corrections in the data format (or the related issue) as soon as possible. Several aspects can be designed with stakeholders and national authorities, notably when it comes to setting up interoperability or standard requirements. Costs for ensuring the well-functioning of these data quality control mechanisms should be shared between MDMS intermediaries and transport operators.

Similarly, it is important that data flows both ways and that relevant information (such as post-journey information or consumer claims) from MDMS is shared with transport operators. This is also the case for urban and suburban transport, where public authorities can make use of this data to improve their public transport systems (see below).

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[18] Notably the Rail Passenger Rights Regulation (EU) 2021/782, the ITS Directive Delegated Regulation for the provision of EU-Wide Multimodal Travel Information Services EU/2017/1926 or the Regulation 454/2011 on "Telematics Applications for Passenger services (TAP TSI)".

[19] Tono Gil & Nicholas Hirst, Mlex, Spain's Renfe draws EU antitrust scrutiny over online ticket sales, consulted on 20 January 2023. Bundeskartellamt, Fairer Wettbewerb um digitale Mobilitätsdienstleistungen – Bundeskartellamt mahnt Deutsche Bahn wegen möglicher Behinderung von Mobilitätsplattformen ab, consulted on 20 January 2023.

[20] Screen scraping is used to extract data displayed on the screen from a specific element of the user interface.

[21] See how the platform Kiwi claims to "hack the system".

In the airline sector too, concerns regarding market concentration emerge as airlines are restricting access to content to regulated intermediaries (the so-called GDS, for Global Distribution Systems). Similarly, the importance of GDS as gateway (for travel agencies, physical or online) in the airline sector raised questions from the European Commission, although it reached the conclusion that "the evidence collected is not sufficiently conclusive to justify pursuing the investigation further".

A dedicated EU Law (Regulation 80/2009 on a Code of Conduct for Computerised Reservation Systems, or CRS Code of Conduct) establishes the general data sharing requirements airlines and GDS should respect. With the current revision of the CRS Code of Conduct, both airlines and GDS accuse each other of dominant position in the booking/ticketing process.

However, market concentration is happening anyway, leading to oligopoly structures on both sides. With consumers in the middle of the fight and left with increased difficulties to efficiently compare flight options, it appears clearly that content is not sufficiently shared between players. Moreover, the development of alternatives to GDS operating outside the scope of the CRS Code of Conduct (airline-controlled interface, comparative platforms, aggregators, New Distribution Capability, etc.) further exacerbates the competition issues between stakeholders.

As the Commission announced that the MDMS initiative will integrate the relevant parts of the CRS Code of Conduct, all players competing in the air ticket distribution sector should then be included in its scope.

This is therefore the opportunity to learn from the airline sector and the risks associated with a lack of content access requirements. Strong requirements applicable to GDS and all market players (offering information for several transport modes) under the scope of the MDMS would therefore promote competition and protect consumers' interests.

Other provisions from the CRS Code of Conduct could be of inspiration for the MDMS initiative, notably regarding the way the transport options are displayed to consumers (see below).

An EU regulatory framework should address market imbalances

Mandatory data sharing requirements are essential to improve consumer experience in looking for multimodal tickets. Moreover, additional data sets (or access to booking APIs) can be requested by intermediaries via commercial agreements signed between independent MDMS and transport operators[22]. Such agreements allow *inter alia* for the free determination of the financial relationship between stakeholders.

However, the MDMS initiative should secure the concept of FRAND conditions in its provisions. FRAND refers to Fair, Reasonable and Non Discriminatory. FRAND conditions, as a well-used legal concept, would allow for the regulation of data sharing in the transport sector by addressing the questions of costs, fees and commissions in the necessary distribution and licensing agreements. Transport operators willing to be displayed on an independent MDMS must also be able to have that opportunity as FRAND conditions are reciprocal.

Once established in the EU legislation, FRAND conditions should be developed further as guidelines by the European Commission. To allow for FRAND principles to apply, commercial agreements between independent MDMS and transport operators must be accompanied with mandatory dispute resolution mechanisms in which associated parties can engage swiftly. To address the lack of cooperation or the abuse of historic dominant position in the transport sector[23], ex ante rules are indeed necessary, as competition law enforcement remains case-specific and can take several years to address any anti-competitive behaviour.

Agreements between transport operators and intermediaries are designed to improve consumer experience. Consumers must therefore be protected from fees related to data sharing being unduly passed on to them. This has notably been a key principle in the European Parliament's position on the Data Act[24].

Finally, strict rules must govern practices of MDMS affiliated to a transport operator for them to display alternative options. Today, transport operators already form alliances that can exclude some competitors. The MDMS initiative should ensure that these alliances do not restrain competition. Third party operators could have the possibility to negotiate under FRAND conditions to be displayed on another operator's MDMS, depending on the transport mode(s) or the routes operated or already displayed by this transport operator.

To further protect consumers when searching for transport options, the MDMS initiative must ensure that:

- Consumers are informed if the MDMS platform they are using is affiliated to a transport operator;

- Consumers are informed of the transport modes covered by the MDMS, and if it concluded licensing/distribution agreements with other transport operators.

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[22] Pre-journey (all fares, timetables or ancillary services) data, even if available free of charge for intermediaries, should also be part of commercial agreements between MDMS intermediaries and transport operators when they act as booking intermediaries, so that liability mechanisms can apply.
[23] See footnote 19.
[24] See BEUC's [press release]v on 14 March 2023.

BEUC recommendations

- Going beyond the current requirements in EU law, independent MDMS (or MDMS affiliated to another transport operator) must have an easy and open access to the necessary content of transport operators (including those operating under a PSO) to allow for complete pre-journey information, in a usable format. This primarily relates to all fares, timetables or ancillary services or not. In return, MDMS must have the obligation to display prices in a transparent manner, with all components known to consumers ahead of the booking.

- Pre-journey (all fares, timetables or ancillary services) data should also be made available in real-time and free of charge for all intermediaries offering information services. This data should also be via EU or national data access points ensuring interoperability and common access.

- Strict data quality control mechanisms must be put in place, along with strict enforcement of existing provisions on data sharing

- MDMS should also share relevant information (such as post-journey feedback) to transport operators.

- FRAND conditions must apply across all contractual agreements between MDMS and transport operators. Mandatory dispute resolution mechanisms between MDMS and transport operators are essential to ensure a fair and competitive market.

- MDMS affiliated to transport operators should not restrain competition via exclusive agreements with their subsidiaries.

- Consumers must be informed about the financial or contractual relationship MDMS platforms have with transport operators. Consumers must be protected from costs related to data sharing being unduly passed on to them.

1.1.2. When comparing transport options: consumers cannot be fooled by what they see on their screen

With a content sharing requirement comes the need to display information to consumers in a neutral and comprehensive manner. Sponsored content or (paid) advertising and ranking on platforms are regulated by a series of EU laws[25]. Yet as the MDMS initiative should cover independent platforms, integrated distribution platforms of transport operators as well as GDS which are currently covered by the CRS Code of Conduct, strict rules must be put in place across the board.

Good practices can be retrieved from the airline sector. The CRS Code of Conduct requires that GDS must "provide a principal display or displays for each individual transaction through its CRS and shall include therein the data provided by participating carriers in a neutral and comprehensive manner and without discrimination or bias"[26]. Such provision

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[25] The Platform-to-Business Regulation 2019/1150, the Unfair Commercial Practices Directive 2019/2161 or the Commission proposal on the Digital Services Act.

[26] Regulation (EC) No 80/2009 on a Code of Conduct for computerised reservation systems.

brought benefits to consumers comparing airlines when looking through (online) travel agencies.

Within the CRS Code of Conduct, the neutral display provides that results from a search via a GDS are ranked by price or duration, with conditions attached[27]. As an ex-ante rule applicable to all MDMS, the same principle should prevent abuse and discriminations. It should notably forbid self-preferencing practises from MDMS affiliated to transport operators or the unfair exclusion of some transport offers by independent MDMS[28]. Complementary to the existing framework, it should also further protect consumers against hidden sponsored content, nudging practises (such as "only x seats left at this price") or unwanted personalised price and profiling[29].

Applying a 'neutral display' principle in a multimodal context and to both independent or affiliated MDMS can be seen as a safety net for consumers. Complementary requirements or the possibility to overrule the neutral display according to consumer preferences (with the necessary safeguards) must be listed in the MDMS initiative.

For example, when searching on an MDMS, consumers should have the possibility to sort out results by one or a combination of the following options: price, luggage option, transport class, duration[30], number of connexions and stopovers, or preferred transport mode (if applicable). Should they decide not to use these filter options, neutral display would apply, based solely on price and duration. These sorting filters should be available prior to launching a search.

Other information tools can be proposed to consumers, notably with regard to accessibility, sustainability[31], or longer connecting times. Consumers should also be able to indicate if they travel with a luggage or a bike, allowing for the accurate display of fares.

More importantly, as part of a neutral and comprehensive display, all components of the price shown to consumers must be indicated. This would allow for transport operators offering a higher level of services but at a higher price to compete fairly.

Finally, MDMS platforms should be subject to strict regulatory oversight to ensure that the information displayed to consumers is accurate and unfettered. Platforms not abiding by the rules, putting consumers at risk, should be banned. Similarly, there is a need to avoid any unfair preferencing based on financial or contractual relationships between the MDMS and transport operators.

In the model of the Digital Services Act, MDMS should be responsible for what they display on their platforms[32]. Similarly, transport operators do not want their content to be displayed on untrustworthy website. Neither do we want consumers to be directed to such MDMS, at the risk of losing time and money. A check on the economic viability of MDMS and their commitment to EU legislation (and specifically regarding the new multimodal passenger rights – see chapter 2) are a prerequisite for a well-functioning market.

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[27] Annex I of the CRS Code of Conduct.
[28] Because of distribution agreements deemed more advantageous, or technical barriers being imposed – some platforms display the "fastest" response from transport operators when sending a price enquiry (via GDS or directly to transport operators), de facto excluding some transport operators' offers.
[29] The proposal for a Data Act 2022/0047(COD) notably foresees that companies should not process data for profiling purposes except if profiling is strictly necessary for a specific service explicitly requested by the consumer.
[30] A common database on connecting times at/between airports and train stations should be established so that the information provided to consumer is streamlined across MDMS. Transport and infrastructure operators should share data allowing for the preparation of this database. MDMS could provide estimation of connecting times between stations/airports via different modes: public transport, walking, cycling, shared bikes/scooters, etc. This is also of interest for the implementation of liability mechanisms between MDMS and transport operators (see dedicated section).
[31] The sustainability criteria is further discussed in the following chapter.
[32] Be it on the correct prices and their components, the availability of tickets, or the correct schedules.

BEUC recommendations

- Information on consumers' screens after a search on an MDMS must be displayed in a neutral and comprehensive manner, taking example of the current provisions for the third-party search in the airline sector.

- Specific sorting filters (on price, luggage option, duration, number of connections, or preferred transport mode if applicable) should be made available to consumers prior to launching a search on an MDMS.

- The Commission should gather real-world data to assess connecting times between stations or airports.

- Regulatory oversight must ensure that the information displayed to consumers respects the abovementioned principles, and that MDMS implement consumer protection provisions and passenger rights. Trustworthy platforms could be certified at EU level, creating stronger protection than the provisions currently foreseen by the Digital Services Act.

1.1.3. When booking tickets: the user experience should be seamless

The added value of MDMS platforms increases as they offer the possibility to buy tickets via their platform, acting as booking intermediaries for transport operators. When combining tickets in a single transaction, they ease consumers' life by taking away the burden of multiple booking processes on multiple platforms.

Entering a booking process requires additional data sets to be shared between transport operators and MDMS, following similar principles as those necessary for sharing pre-journey information. MDMS need access to the booking platforms of transport operators to generate tickets, be it via standards or open Application Programming Interfaces (APIs), which facilitate the integration of services and application software by defining rules and protocols for computer communications.

To this end, the European Union Railway Agency (ERA) is tasked with the development of standards derived from the data sharing requirements of EU laws[33]. Private initiatives also exist to develop standard interfaces that would make it easier for ticket vendors to link to railway undertakings' systems (notably the Open Sales and Distribution Model – OSDM). To be truly effective, the MDMS initiative should promote the development of these standards and their swift implementation by all actors.

With such mandate to open booking platforms and real-time access to transport operators' system, consumers should be assured that they pay the right price for a ticket[34], as they fluctuate greatly depending on when the search is conducted. Similarly to our recommendations in the previous section, this means that unfair practises to lock-in or direct consumers on certain MDMS should be strictly forbidden. BEUC member Which? previously found that some online travel agents displayed and advertised cheap prices that are not available[35].

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[33] See notably the TAP-TSI Guidelines developed by ERA. The revised Rail Passenger Rights Regulation 2021/782 contains provisions to develop common APIs for booking platforms.

[34] This is part of the regulatory oversight BEUC is advocating for. This does not prevent MDMS to apply discounts for consumers, as they must keep the right to offer lower prices. Any discount to the price should be clearly visible to consumers.

[35] For example, MDMS should not intentionally display prices for seats that are not available anymore to attract consumers on their platform before raising the price once the booking process starts.

Current standardisation processes and private initiatives do not always create a single transport contract which would constitute a 'through-ticket' and hence entitle the passenger to rights related to connections. By creating an EU-wide interoperable ticketing system (with standardised identification processes or barcodes), the MDMS initiative would allow for the extension of passenger rights to multimodal journeys. It must also set obligations for MDMS to fully inform consumers about their rights and how they would be assisted in case of disruption.

However, service fees that MDMS levy on consumers must be transparent and proportionate to the service provided. 'Optional' travel insurance cannot become the go-to means for MDMS to offer legal passenger rights protection. The responsibility of platforms to enforce passenger rights cannot, for example, be made conditional on the application of additional charges at the discretion of the consumer (for example as a more expensive 'better guarantee option' when buying a ticket).

Similarly, and as proposed in the Data Act, the information consumers consent to give to an MDMS should be shared with transport operators for the correct delivery of the services and post-journey feedback, following strict data protection rules established in the European Union. This is particularly important, for example, to enable the swift reimbursement in case of disruption. A key (and missing) requirement to make the multimodal ticket experience seamless for users is the better application of passenger rights, which we discuss in a following chapter.

Offering booking and ticketing services also requires that MDMS and transport operators discuss commission levels, financial retribution for data and access or other financial arrangements. Following FRAND principles applied for pre-journey information, all MDMS should be granted the possibility to access the ticketing and booking platforms of transport operators within the framework of contractual agreements. Some countries such as France and Finland[36] already provided provisions which could be replicated at EU level.

BEUC recommendations

- Within the framework of FRAND contractual agreements and by extending the requirements in the Regulation on Rail Passengers' rights and obligations, MDMS should have access to the booking platforms of transport operators to sell individual tickets or generate integrated ones, be it via standards or open Application Programming Interfaces (APIs).

- The MDMS initiative should promote the development of these standards and their swift implementation by all actors, in accordance with the work conducted by the European Railway Agency. Provisions must forbid unfair practices to lock in consumers on certain MDMS.

- Prior to the booking process, MDMS must inform consumers about their rights and how assistance will be provided in case of disruption.

- Service fees for applying greater passenger rights protection must be transparent and proportionate.

- Consumer data managed by MDMS should be shared with transport operators to enable the swift reimbursement in case of disruption.

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[36] In Finland, the Act on Transport Services foresees that there must be well-justified reasons for a refusal to negotiate or enter into an agreement dealing with opening ticket interfaces. Similarly, the French Loi d'orientation des mobilités (LOM) provides that MaaS platforms are entitled to access to the mobility service providers' selling channels with no right for them to refuse, in this case on the condition that the MSP has a digital sales channel.

1.1.4. When travelling: consumers must be informed in real time throughout their journey

When combining several transport modes, consumers need reassurance that their journey will be smooth, with every connection assured. To this end, they need easy access to real-time traffic information for their different modes of transport, as well as precise indications of changes at stations (platform changes, station level, metro connections between stations in the same city, etc.).

Some provisions already exist to ensure real-time data flows between transport operators or infrastructure managers and MDMS, notably in the rail sector[37]. Yet an improved user experience requires that information is shared accurately via different means and homogeneously across modes that constitute a consumer's journey. This means that all infrastructure managers must also be included in the scope of the MDMS initiative.

In order for this data to reach consumers in an effective manner, it should be easily collectable and made available to all stakeholders. The MDMS initiative should therefore establish a common dataset for real-time information across all long-distance transport modes. This requires the EU to work on common communication standards, taking examples of the work previously conducted by the European Railways Agency. Moreover, due to the importance of this data for consumers, this should be available free of charge to all stakeholders.

Having access to this information must also come with an obligation to inform consumers. This primarily applies to the MDMS through which a consumer booked their ticket (and to which they gave their contact information), which should inform consumers via the information channel of their choice. Station managers and transport operators should also ensure that the information is provided to all consumers, including via physical means. Indeed, some less tech-savvy consumers are more comfortable with physical display of information or advice given by service personnel in stations.

This requirement for real-time information goes hand-in hand with better implementation of passenger rights and their full extension to multimodal journeys: in case of a problem, consumers must have the possibility to easily claim their rights to rerouting, assistance or reimbursement (see chapter 2).

BEUC recommendations

Traffic information should be shared in real-time and at no cost between infrastructure managers (which must be mentioned in the MDMS initiative), station or train operators and MDMS to ensure consumers are well informed throughout their journey. The MDMS initiative should harmonise real-time information requirements across modes, including information related to connexions between them. In case of travel disruption, MDMS platforms must swiftly inform and assist consumers when receiving information from other parties.

1.2. Protect consumers' data when navigating a digital environment

The barriers and solutions to a seamless multimodal travel experience that we highlighted in the previous sections revolve around the use and sharing of data. Some of this data (date of birth, ID card or credit card number, specific needs or medical assistance, etc.) is personal and must be protected.

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[37] Notably the Regulation (EU) 2021/782 on rail passengers' rights and obligations, but also technical standards managed by ERA.

This is even more so as user profiles have become of high economic importance for market players, which may re-use or sell the data they have acquired to advertisers. Consumers must remain in control of their data and with whom they share it. They must be protected against unfair commercial practices and aggressive marketing. However, some data should be allowed to be shared for the sole purpose of enforcing passenger rights in an efficient manner for consumers. For example, consumers' payment details (in full compliance with GDPR requirements), should be asked by the online intermediary during the booking process and swiftly communicated to the operator in case of consumer complaints.

1.3. Make multimodality work for the less tech-savvy consumers

Not all consumers can or want to navigate on the internet. The MDMS initiative should be inclusive of all categories of consumers, with a particular attention to the less tech-savvy and the non-digital native ones. When going to a travel agent or simply present themselves at the desk of a train stations, consumers should be able to receive a high quality of service.

Contrary to the current trend towards the disappearance of counters, specific training for the personnel of stations and travel agencies should be provided so they can assist consumers in their multimodal or cross-border request. With the opening of APIs and the requirements to share data, booking systems at a services desk should be seamless. Transport operators and travel agents should develop the technical means (intranet system, payment interface, use of their own MDMS platforms) to allow for consumers to easily book and pay for a ticket at the station should they want to do so.

To increase consumer choice, independent ticket vendors and travel agents should also be allowed to deploy in-station services allowing consumers to buy multimodal tickets.

Information on passenger rights (and how to enforce them) should also be clearly made available to consumers when booking a multimodal journey at a frontdesk.

1.4. Integrate inter-urban and suburban transport for a door-to-door integration

The recommendations above focus on long-distance transport, and notably on how the shift to rail can be encouraged via a better consumer experience in finding and booking cross-border journeys operated by different transport operators.

However, the European Union Railway Agency notes that "in Europe, only 6-7% of total rail passenger-kilometers involve crossing one or more borders and only a proportion of these cross-border rail passenger journeys are long-distance services"[38]. Regional and suburban rail transport therefore represent a large share of consumers' train journeys.

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[38] ERA, Report Cross-Border Rail Transport Potential, consulted on 22 January 2023.

While commuters are used to train passes or monthly subscriptions with their local/regional transport operator, international passengers also use regional trains or buses to reach their destination after taking a plane, a coach or a high-speed train. The integration of such inter-urban and suburban services is therefore essential for consumers to easily find the right connections to their point of arrival, with available fares, integrated tickets and protected passenger rights.

Many regional services are operated via Public Service Obligations (PSO) contracted between a transport operator and national or regional governments. Data sharing requirements should nonetheless apply to PSOs for consumers to benefit from a really integrated journey. Exemptions could be foreseen, notably when it comes to reselling monthly/yearly subscription. Similarly, guarantees regarding the price of a ticket can be put in place to avoid deadweight loss and secure the role of a PSO at national and regional level.

During their journeys, consumers might also need to use local public transport such as metro and trams. Their full integration with long-distance and regional transport modes can appear complicated as part of the MDMS initiative. That is because data availability and quality can be much poorer, and numerous ticketing systems exist. With many local transport operators allowing for easy payment (such as contactless payment with a debit card), metros, trams or city buses do not urgently need to be integrated at the same level as long-distance transport modes. However, information related to timetables, fares or stations' entrances and exits are of great added value for consumers who need to connect from one hub to another[39]. Generating interoperable data could be financially supported for smaller operators.

Local initiatives are also under development to offer Mobility as a Service (MaaS) for residents, encompassing micro-mobility or on-demand. This could benefit consumers living in cities, provided it promotes the use of sustainable transport options complementary to public transport services, which should be the backbone of local transport systems. The MDMS initiative should therefore develop specific data sharing requirements for the development of local MaaS, where local authorities can play an active role in shaping their transport policy.

BEUC recommendations

- Inter-urban and regional transport services should be fully integrated in the MDMS initiative. Local transport operators should share data about their timetables and fares with MDMS for an improved consumer experience between mobility hubs.

- The MDMS initiative can trigger initiatives related to Mobility as a Service (Maas) by establishing dedicated data sharing requirements at local level and a supervisory role of public authorities, for the purpose of developing convenient and sustainable transport options.

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[39] For example, a passenger having to connect from Paris Gare du Nord to Gare de Lyon on his Brussels-Barcelona trip.

2. Better protect passenger rights when travelling multimodal

In the first chapter of this paper, we showed the need for MDMS, especially independent ones, to have access to transport operators' and infrastructure managers' data to give consumers access to the right transport mode at the right price and to inform them properly. However, information alone is not sufficient. When booking a ticket, wherever they book it and with whatever transport operator, consumers expect to see their rights protected throughout their journey. Yet, this is currently not the case when travelling multimodal.

For example, a consumer wishing to avoid flying to two European cities runs the risk of not being assisted or reimbursed in the event of a problem. Flying usually comes with better protection of passenger rights. Consumers know this, as air passenger rights are one of the major achievements of the European Union. While being far from perfect, air passenger rights cover basic consumer needs, such as the rights to assistance and rerouting or the obligation for airlines to compensate consumers for delays and cancellations.

Rail and multimodal passenger rights, on the other hand, still suffer from major gap. Along with the MDMS initiative, the European Commission plans to publish a new initiative to strengthen passenger rights in a multimodal context. This is a great opportunity to address current shortcomings and improve the protection of passengers. BEUC published a dedicated position paper on the matter. We call for the following measures:

- Access to content goes hand in hand with obligations for MDMS to clearly inform, assist and, if necessary, re-route passengers who booked tickets on their platforms;

- The EU should establish clear liability mechanisms for transport operators and MDMS, especially when it comes to assistance, re-routing and refund. Business-to-business relations should be backed by EU guidelines (on responsibilities for a delay, what constitutes a missed connection, what is the minimum connecting time needed, etc.);

- The introduction of so-called "through-tickets" did not deliver greater passenger rights protection for EU consumers, neither does it sufficiently address responsibilities between actors. Business-to-business relations regarding the enforcement of passenger rights should be defined by law;

- Private initiatives, such as journey continuation agreements, are not sufficient and lead to different consumer protection regimes.

BEUC's message is clear: the easy access to passenger rights is paramount. Consumers must know who to turn to in case of disruption, have proactive assistance to claim for their rights and be able to reach their destination at no extra cost. MDMS, as the first interface for consumers booking a multimodal tickets, must act beyond a mere requirement to inform them.

Member states also have a role to play. With the entry into force of the new Rail Passenger Rights Regulation, BEUC members across the EU call for their swift implementation to the benefit of consumers. The German consumer association Verbraucherzentrale Bundesverband notably calls for compensation in case of a delay of 30 minutes and the introduction of a "mobility guarantee" which should ensure consumers can continue their journey with all available means in case of disruption[40].

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[40] Vzbv, Starke Fahrgastrechte für zuverlässigeres Bahnfahren, consulted on 25 January 2023.

3. Conclusion

Multimodality and a shift to rail should be a no-brainer in the EU political landscape:

- The European Commission released several publications aimed at boosting passenger rail transport and assigned ERA with the objective to make rail "the backbone that supports an environmentally sustainable multimodal transport system, […] will become seamless […], including multi-leg ticketing."

- Ministers of almost EU countries are gathered in a Ministerial Platform on International Rail Passenger Transport which published progress report on the barriers and solutions that we discussed in this paper[41].

- Among stakeholders active in the rail sector too, there is a strong willingness to act further and to support new regulatory initiatives[42].

With this broad consensus, now is the time to deliver on these promises and break down the barriers to make multimodality rail the attractive option for consumers. The climate potential of multimodality and rail can only be realised if consumers enjoy a seamless experience in searching and booking multimodal tickets, with decent connecting times and competitive offers. Consumers also need all the necessary info when travelling and, in the event of disruption, they should have the possibility to easily claim their rights and be assisted.

If properly designed, the planned Commission initiative on Multimodal Digital Mobility Services can trigger the promotion of sustainable transport, also at local level for Mobility as a Service applications. It can also create the momentum for more investments in rail infrastructure and rolling stock, or the deployment of more regular services, the implementation of cross-border standards or better coordination of timetables.

BEUC and its members have often highlighted the concerns, hurdles consumers face when looking for multimodal tickets. This allows us to stress the importance of the recommendations outlined in this paper, as they establish the necessary incentives and safeguards to make the MDMS initiative a success. BEUC calls on decision-makers to take them on board, for the benefit of consumers across the EU.

Nevertheless, the MDMS initiative does not diminish the importance of complementary actions to make rail more attractive: investing in the infrastructure and the rolling stock, deploying night trains, improving coordination between transport operators and national authorities, reducing fares or internalising the external costs of transport modes are building blocks to make rail and public transport the backbone of our transport system.

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[41] https://www.permanentrepresentations.nl/documents/publications/2022/05/25/2022-progress-report-of-the-ministerial-platform-on-international-rail-passenger-transport

[42] See the Sector Stakeholder Statement on International Rail Passenger Services or the Report from the Multimodal Passenger Mobility Forum.