

## Multimodal Digital Mobility Services

**EPF position – October 2023**

### KEY TAKEAWAYS FOR EPF:

- \* Passengers should have access to **unbiased, dynamic journey information**, enabling informed choices, both when planning and making their journeys;
- \* Buying multimodal tickets should be **easy, affordable and offer protection** in case something goes wrong;
- \* **Data sharing and readiness to conclude distribution agreements** between operators and Multimodal Digital Mobility Services should be the default option, i.e. the norm.

Today, planning, booking and executing multimodal journeys – especially long-distance, international ones – is risky, difficult and time-consuming. Some advanced multimodal door-to-door journey planning applications exist, but these are mostly limited in scope (in terms of geographic coverage, modes and operators) and/or do not offer any booking and ticketing facilities. Even though a multimodal offer might be the best option, passengers may not consider it due to a lack of awareness and the absence of a one-stop-shop, covering all modes (including first and last mile). Instead, they might choose the easiest solution. But ... often that's not the most sustainable one.

The European Commission's *Sustainable and Smart Mobility Strategy* (SSMS, December 2020) recognized and emphasized the need to address and overcome the cumbersome nature of planning and purchasing tickets for multimodal journeys. Paragraph 59 specifically acknowledged the EU's need "to transform its legal framework to support multimodal travel information, booking and ticketing services, while at the same time looking at the rights and obligations of online intermediaries and multimodal digital service providers selling ticketing and/or mobility services".<sup>1</sup>

As part of the Action Plan to implement the SSMS, the *Multimodal Digital Mobility Services* (MDMS) initiative<sup>2</sup> was first launched in October 2021. The MDMS initiative aims to support the development of multimodal ticketing services by addressing market challenges hampering their development, thus contributing to a better integration of public transport services and a more seamless multimodal travel experience for passengers.

EPF considers that Multimodal Digital Mobility Services (MDMS) indeed have an important role to play, making it easier for passengers to plan, book and pay for their multimodal trip, allowing them to make an informed choice in an integrated transport system, using each mode to do that for which it is the most efficient in achieving an affordable, reliable, sustainable end-to-end journey.

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<sup>1</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Sustainable and Smart Mobility Strategy – putting European transport on track for the future COM/2020/789 final

<sup>2</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13133-Multimodal-digital-mobility-services\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13133-Multimodal-digital-mobility-services_en)

EPF therefore supports a strong, ambitious MDMS Regulation that reflects the needs of passengers, matching the vision so clearly expressed in the *Sustainable and Smart Mobility Strategy* as well as EPF's own policy priorities<sup>3</sup>. While MDMS alone will not solve everything, they are undeniably a piece of the puzzle, as they have the potential to increase consumer choice, enhance competition and facilitate a modal shift towards a more sustainable and multimodal travel behavior, in line with the Green Deal objectives.

To ensure that the MDMS initiative is fit for purpose, in EPF's view, it must pass four tests of relevance to passengers' needs:

- Will passengers benefit from access to the full range of relevant available tickets for re-sale/distribution, irrespective of vendor (whether in-house retailer or third party vendor), selling on terms that are fair, reasonable and non-discriminatory (FRAND) in order to ensure transparency and ease of customer access?
- Will MDMS facilitate the growth of sustainable travel, both for short and long distances, including cross-border?
- Will MDMS ensure access to the data necessary for the re-sale and distribution of integrated multimodal ticketing and information systems, enabling a one-stop-shop approach to planning, booking, and successfully completing a multimodal or multi-operator journey?
- Will MDMS ensure that it is possible for passengers making a journey involving more than one operator to reach their destination at the earliest opportunity and at no additional cost when their journey is disrupted, whichever the operators involved, whatever the relevant tickets held for the journey, and that they will have been informed about these arrangements when searching and booking their journey?

### 1. Passengers should have access to unbiased, dynamic journey information, enabling informed choices, both when planning and making their journeys

When planning a trip, passengers currently may not consider a multimodal offer – even though it might be the best option – because they are not aware of the possibilities that exist. Informed consumers are essential to any competitive market. To make an informed choice, passengers need a neutral, comprehensive and reliable overview of available travel options. This means that:

- Information must be correct, reliable and up to date;
- Ideally, all relevant operators and services (all modes – including first and last mile solutions) must be included in the comparison;
- Advantageous tariffs (e.g., discounts for elderly people or groups) must be taken into account.

Access to data – on timetables, but also fares – is an essential enabler for creating multimodal integrated information and ticketing systems. Real-time data must be available as well. Passengers need timely and practical information should things go wrong during their journey. They need to be informed about disruptions (e.g. delay, cancellation) and the effect this will have on the rest of their trip: either by the operator they are travelling with and/or by the ticket vendor who sold them the ticket. Other travel service providers also need to be informed because it enables them to secure travel connections, if necessary. In addition, informing passengers about delays/cancellations, including their cause, should help them be aware of and assert their passenger rights to re-routing or reimbursement, assistance and compensation.

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<sup>3</sup> EPF's priorities for future EU action (August 2019), available here: [https://www.epf.eu/wp/wp-content/uploads/2019/08/19\\_08\\_Policy-priorities.pdf](https://www.epf.eu/wp/wp-content/uploads/2019/08/19_08_Policy-priorities.pdf)

On 31. May, the European Commission published a Draft Act, amending the *Delegated Regulation on Multi Modal Travel Information Services* (MMTIS) (EU) 2017/1926. EPF welcomed the revision, in that the scope of mandatory data to be shared by transport service providers, infrastructure managers and transport authorities through National Access Points has been extended to include, in addition to static data, also dynamic (real-time) and historic & observed data, notably on delays and cancellations.

Another important issue – to be covered by the MDMS Regulation – to consider is how the available transport options are presented to passengers. Here, it is useful to recall the principles underlying the CRS Code of Conduct (Regulation 80/2009, originally introduced to ensure that airlines would not promote their own services over those of competitors by mandating a ‘neutral display’ for computerized reservation systems), which was announced to be merged with the new regulatory initiative on MDMS.

In EPF’s view, the principles of the CRS Code of Conduct that relate to consumers – transparency, fair competition, neutral display – should apply to all distribution channels. This means that the results of any travel query, through any kind of MDMS, should be presented in a neutral, unbiased way, avoiding self-preferencing and allowing a like-for-like comparison.

Since the ranking of travel options has a big impact on consumer choice, in EPF’s view it is preferable that any ranking be done, as is the case now according to the CRS CoC, based on objective criteria and/or criteria that the passenger can choose. It would be good to include other criteria as well besides price and travel time, for example accessibility or environmental impact.

## **2. Buying multimodal tickets should be easy, affordable and offer protection in case something goes wrong**

In order to reach the *Sustainable and Smart Mobility Strategy’s* objective to make multimodal travel a reality, data sharing alone will not solve everything. In addition to *informing* passengers about travel options that are available, *buying* multimodal tickets should be easy, affordable and offer protection in case something goes wrong.

Merely introducing a re-linking obligation would offer very little to no added value, as this would hardly change the status quo which is generally considered unsatisfying: Passengers would still need to visit multiple websites and book each leg of the trip separately, which takes time, effort and is not without risk. Instead, a one-stop-shop approach is needed, allowing to plan, book and successfully complete a journey in one go.

EPF supports the principle of ‘*All Tickets At All Vendors*’ to enable a modal shift to a more sustainable mobility with rail as its backbone – hereby taking care to avoid ‘walled gardens’ and ensuring an open, multi-player MDMS market (see also §3). Furthermore, EPF strongly supports the inclusion of all modes – including air, as well as first and last mile solutions, and also including cross-border travel – in the scope of MDMS, which by definition is, or should be, multimodal. The MDMS initiative should reflect the interests of *all* passengers. Being able to plan, book and pay for a multimodal journey in a one-stop-shop, comparing and combining different modes, is relevant for both short and long distances, to get people out of their cars and planes.

Integrated multimodal information and ticketing is necessary as a first step. On top of that, an adequate level of protection to passengers when using combinations of different transport modes is needed to make multimodal travel a convenient, reliable and safe choice. The roles and responsibilities of intermediaries (MDMS) need to be clarified: Who is responsible for providing (real-time) information, addressing complaints, handling

compensation requests, re-routing passengers, providing assistance in case of disruptions? Whereas such issues may fall out of scope of the MDMS initiative as such, the EC is considering them in the context of another, complementary, effort to achieve “Better protection for passengers and their rights”<sup>4</sup>.

For EPF, to make multimodal travel a convenient, reliable and safe choice, in principle, all core passenger rights should also apply to multimodal trips, top priorities being (i) journey continuation guarantee; (ii) practical information, advice and support; (iii) straightforward and appropriate compensation. The role of intermediaries hereby needs to be clarified in terms of information provision, complaint handling, re-routing, reimbursement, compensation and assistance; and to be effective, B2C obligations would need to be complemented by clear rules addressing B2B responsibilities and deadlines.<sup>5</sup>

### **3. Data sharing and readiness to conclude distribution agreements between operators and MDMS should be the default option, i.e. the norm**

The topic of conditions for access to data (all transport modes) and license agreements for (re)selling mobility services – as crucial enablers for integrated multimodal information and ticketing systems – has been discussed at length in the Multimodal Passenger Mobility Forum (MPMF)<sup>6</sup>, which was established in December 2021 as a stakeholder platform to assist the European Commission in the preparation of policy initiatives in the field of sustainable multimodal mobility for passengers.<sup>7</sup> Despite diverging interests of participants, there was an overall consensus on the need to share more data, and for the cooperation between operators and MDMS to take place in the framework of negotiated distribution agreements under FRAND (fair, reasonable and non-discriminatory) terms.

In EPF's view, data sharing and readiness to conclude distribution agreements between operators and MDMS should be the default option, i.e. the norm. This means that, respecting FRAND terms, *all* relevant operators and MDMS should be ready to cooperate and offer – affordable and reliable – end-to-end journeys to passengers. The aimed result should be an open, inclusive ecosystem, based on interoperability, non-exclusive partnerships between transport service providers and MDMS and, from the consumer side, data portability guarantee.

Whereas the same principles should apply to all modes, the concrete application of what exactly constitutes 'FRAND' will vary according to the use case. Therefore, besides featuring FRAND as a core standard in the upcoming MDMS Regulation, further guidelines or implementing acts per sector (a PSO public transport service versus a commercial service, for example), including specific requirements targeting common unfair practices, should be developed, defining what practices (do not) qualify as FRAND.

Finally, it is important to stress that passengers should remain at the heart of the MDMS initiative. MDMS needs to be focused on what can do for passengers, who want a (multimodal) public transport system that is affordable, reliable, sustainable and coordinated. Obviously there will be many powerful commercial interests in play; legislation should contribute to ensuring that these do not distort the potential benefits for facilitating the sustainable mobility of end-users.

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<sup>4</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13290-Travel-better-protection-for-passengers-and-their-rights\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13290-Travel-better-protection-for-passengers-and-their-rights_en)

<sup>5</sup> See EPF's position paper here: <https://www.epf.eu/wp/wp-content/uploads/2023/04/Better-protection-EPF-position-final.pdf>

<sup>6</sup> COMMISSION DECISION of 3.12.2021 on setting up the Multimodal Passenger Mobility Forum, C(2021) 8688 final

<sup>7</sup> The outcome of the MPMF meetings was published on 2. February 2023 and is available here: [https://transport.ec.europa.eu/news/multimodal-passenger-mobility-forum-final-report-2023-02-02\\_en](https://transport.ec.europa.eu/news/multimodal-passenger-mobility-forum-final-report-2023-02-02_en)