



**DIGITAL
MARKETS
ACT**

Position Paper

Digital Markets Act Principles and the Proposal for a Regulation on Rail Ticketing



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ALLRAIL
The Future of Passenger Rail

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Executive Summary

EU digital regulation already recognises that **dominant online platforms can become essential gateways** between business users (B2B) and end users (B2C). This Position Paper will show that the market for **rail ticketing has developed a similar gateway problem**. The proposed new Rail Ticketing Regulation ('RTR') should therefore draw on **DMA-style principles and apply them in a sector-specific way** to dominant rail ticketing platforms.

Rail ticketing distribution remains one of the **structural weaknesses in Europe's passenger rail system**. Searching, comparing and booking domestic, cross-border and multi-operator rail journeys is still fragmented and compares poorly to other transport modes.

This is a direct problem not only for passengers but a market-access problem for independent rail operators and independent ticket vendors.

- Incumbent rail operators have inherited the passenger relationship from decades of legal monopoly. Their websites and apps are therefore not ordinary commercial channels. In several national markets they function as the default and dominant gateway through which passengers search for rail information and buy rail tickets.
- This creates a **non-replicable advantage in the downstream ticketing market**, especially where the ticketing platform is vertically linked to the market-dominant incumbent rail operator in the same EU Member State.

The EU Digital Markets Act ('DMA') was not initially meant for the rail sector. It was designed to regulate very large digital platforms providing core platform services, such as online intermediation services, online search engines, app stores, and other digital services.

However, its logic is highly relevant. The DMA seeks to **make digital markets fairer and more contestable by imposing obligations and prohibitions on designated gatekeepers**, including rules on self-preferencing, business-user access, data portability and user choice.

- The EU Commission's designation of Booking.com as a DMA gatekeeper for online intermediation services is particularly relevant as a reference point. Booking.com is considered a dominant gateway between travel service providers and end users.
- Therefore, rail ticketing platforms that intermediate between passengers and multiple rail, mobility or ancillary service providers may result in comparable regulatory scenarios, even if characteristics of rail ticketing market differ from traditional digital markets.

The policy conclusion is straightforward: the new Rail Ticketing Regulation should implement DMA principles for dominant vertically integrated rail ticketing platforms. Where a platform is the dominant digital gateway to rail passengers, all willing rail operators should be able to obtain fair, reasonable and non-discriminatory access for visibility and sale. **Passengers should be able to see, compare and buy the available rail offers on neutral terms.**

Digital Markets Act ('DMA') Principles for Rail Ticketing

Structural issues in rail ticketing

Independent rail operators are ready to serve the growing demand for rail travel, and adapt their services to the different price and comfort needs of passengers. **However, their ability to serve this demand is heavily constrained when dominant rail ticketing platforms do not display or sell their services on equal terms.** This goes beyond simple visibility - *a lack of access negatively affects market entry, passenger choice, modal shift, and the efficient use of public investment in rail.*

In rail, the ticketing problem is exacerbated by the sector's history. Many incumbent operators are still effective monopolies and remain closely associated in the public mind with "the train" in their national market. **Vertically-integrated downstream rail ticketing platforms have benefited from that historic position.** Passengers often use them by default, not because they have assessed the full market, but because *these platforms became the inherited national reference point for rail travel.*

The ticketing platform has the ability and incentive to shape visibility, ranking, booking options, after-sales support and passenger information in ways that **favour its own vertically-integrated operator's services or selected partners** (e.g. other incumbent operators in the same Member State, such as ÖBB Nightjet or Eurostar trains serving stations in Germany).

This inherited position is practically impossible for an independent operator to replicate. A new entrant operator may run an attractive rail service, but **if that service is not visible or purchasable** on the dominant digital platform where most passengers search for rail option, **its practical access to the market is reduced.**

Passengers cannot choose what they cannot see

The EU Commission has already recognised the risk of a state-owned operator of leveraging its dominant position in the upstream market for rail transport (operator) services in the downstream market of online rail ticketing services (digital platforms).

As highlighted by the EU Commission, dominant state-owned operators hold a “**economies of scale and scope, a brand name, and customer datasets, in particular as a result of its former legal monopoly, that other rail operators cannot match**”.¹ Therefore, access to their vertically-integrated ticket platforms **is indispensable for any new entrant operator that wishes to compete and scale its operations**.²

However, there is a clear risk that without a clear ex-ante framework, vertically-integrated ticketing platforms will also use their **dominant position in the downstream rail ticketing market to reinforce or protect their market dominance** of their vertically-integrated operators in the **upstream rail passenger services market**.

The DMA: a foundation for the Rail Ticketing Regulation?

The Digital Markets Act (DMA) is the EU’s flagship instrument for contestability and fairness in digital markets. It establishes criteria for identifying “**gatekeepers**” as: *very large digital platforms that provide core platform services and act as important gateways between business users and end users*.

Once designated, gatekeepers must comply with a set of obligations and prohibitions. These include rules designed to **prevent unfair leveraging of gatekeeper power**, restrictions on self-preferencing, requirements linked to user choice and data portability, and obligations affecting how business users can interact with end users.

For present purposes, the important takeaway is that EU law now recognises a **strong degree of digital gateway power that can distort market conditions** even where the underlying product or service is not itself digital.

- The EU Commission has already recognised Booking.com as a digital gatekeeper in travel services using the DMA. Yet in rail, dominant ticketing platforms vertically integrated with incumbent rail operators can still shape what passengers see, compare and book, with direct consequences for market access by independent rail operators.

The DMA therefore provides a useful benchmark for rail. Where a rail ticketing platform performs an intermediation function between passengers and multiple transport or mobility providers, and where it becomes the unavoidable route to many passengers, **the risks addressed by the DMA become directly relevant to rail-sector policy**.

¹ EU Commission, Decision of 17 January 2024, Case AT.40735 – Online rail ticket distribution in Spain, C(2024) 135 final, relating to proceedings under Article 102 TFEU and Article 9 of Regulation (EC) No 1/2003. See para. 52 and 53 (“Renfe DG COMP Decision”)

² See Renfe DG COMP Decision para. 58 “*the Commission took the preliminary view that Renfe, as the vertically integrated dominant passenger rail transport operator, holds a dominant position in the potential downstream Spanish online rail ticketing market through its own online distribution solutions.*”

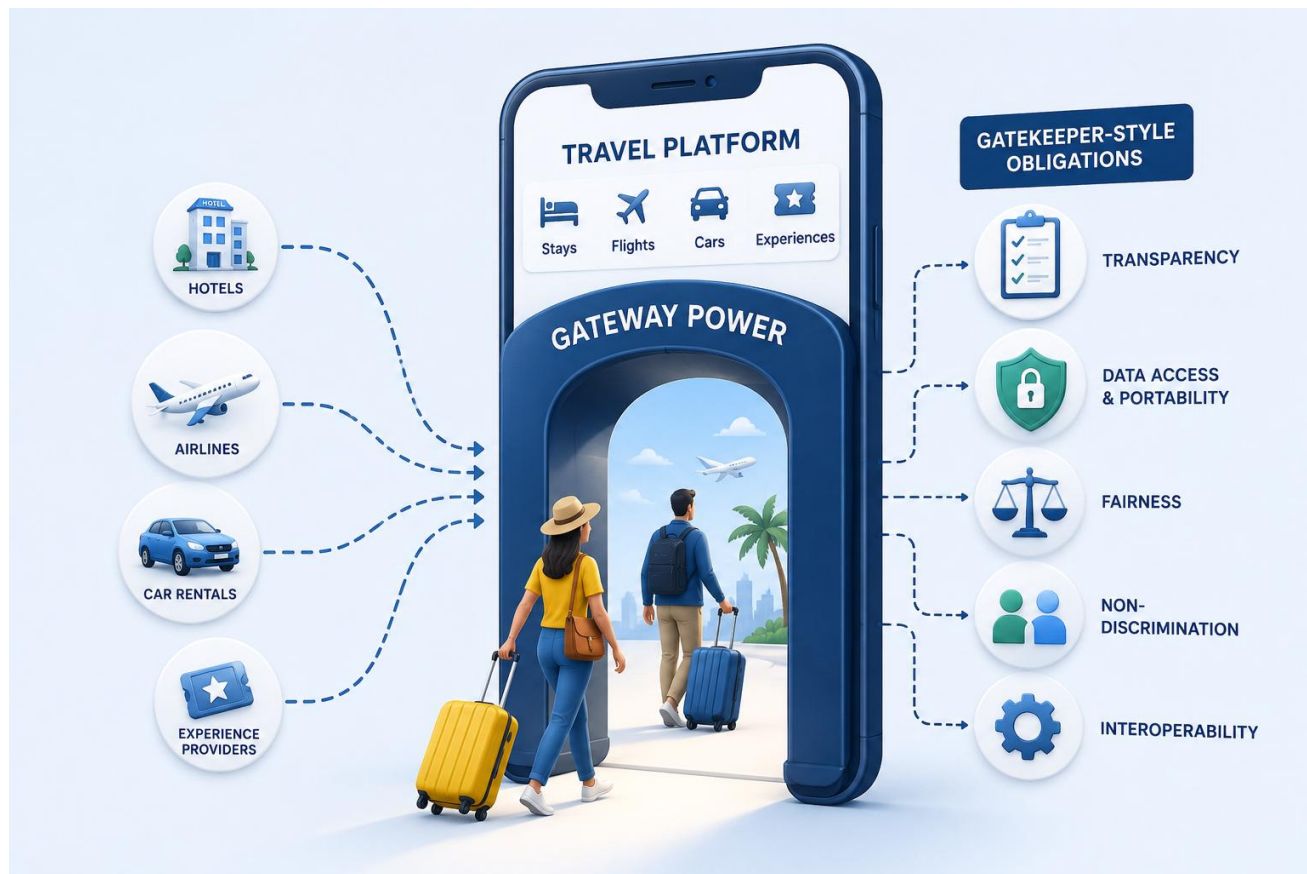
Booking.com – a key precedent

In 2024, Booking.com was designated a gatekeeper by the EU Commission following Booking.com’s own internal assessment. This designation is relevant because it concerns a travel platform, and not a purely social-media, advertising, or operating-system environment.

The EU Commission decision describes Booking.com as an online intermediation service listing offers for accommodation, flights, car rentals, public transport, airport taxis, attractions and other forms of travel. It also recognises that the company enables end users to **search, select, book and pay for travel offers through a single platform.**

- This matters for rail because a modern rail ticketing app can perform a comparable user-facing role. It may allow passengers to search for journeys, compare available options, select an itinerary, pay for a ticket, receive a digital ticket, obtain travel updates and access post-sales support: **all on one single platform.**

This does not mean that every rail ticketing platform is commercially identical to Booking.com. The DMA thresholds, designation criteria and market facts would need to be re-assessed by the Commission, which they are empowered to do. However, it does show that the EU has already accepted **the principle that travel intermediation platforms can be subject to gatekeeper-style obligations** when they have sufficient scale and gateway power.



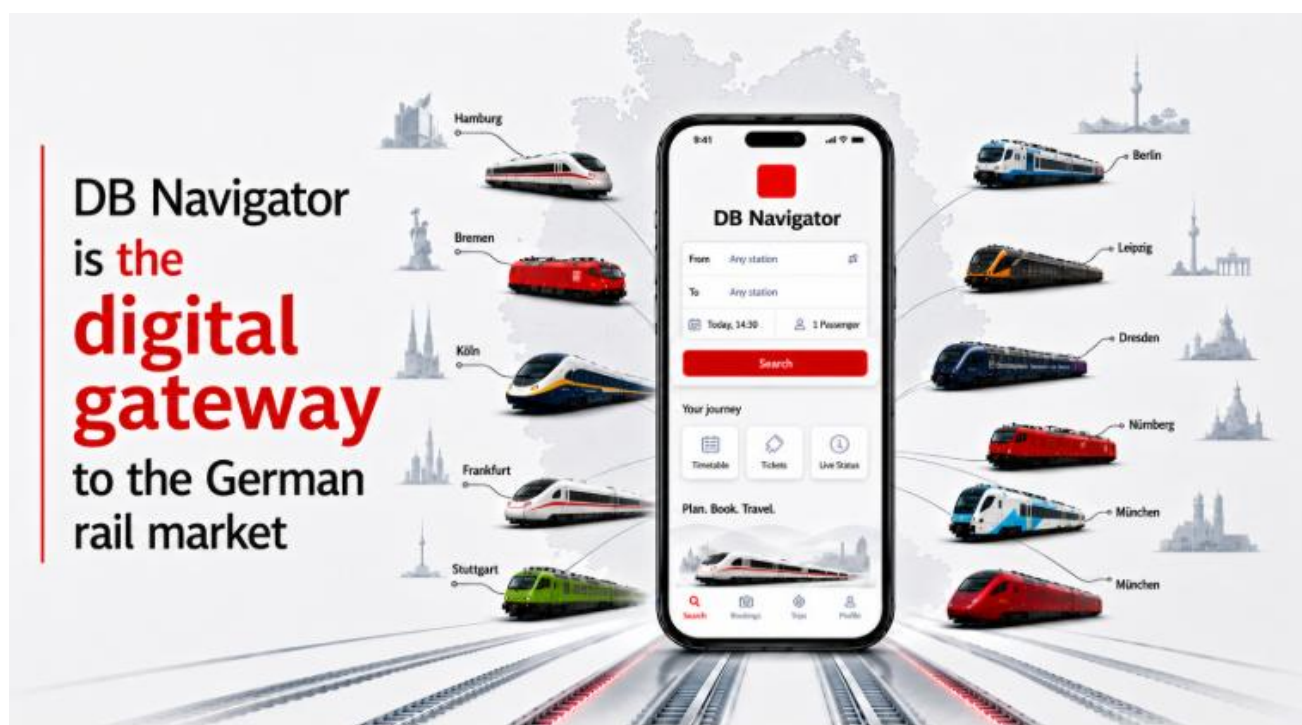
Case study: DB Navigator, a dominant rail ticketing platform

As the vertically-integrated online platforms of DB, the state-owned rail incumbent in Germany, **the App DB Navigator and the website bahn.de occupy a uniquely powerful position** in the German online rail ticketing market.

Last year on October 6th 2025, a highly relevant article was published in the “*Background Verkehr & Smart Mobility*” magazine of the German mainstream newspaper “*Tagesspiegel*”.

- The article reported that the German rail regulator (Bundesnetzagentur) is examining a complaint about the blurring of infrastructure and competitive activities within the vertically integrated, state-owned Deutsche Bahn (DB) group.³ This raises serious concerns about brand neutrality, market transparency and fair competition.
- The fact that the DB group uses the same branding in stations is a non-replicable advantage that pushes customers to buy DB tickets and use DB ticketing channels.⁴

The effect also extends into ticketing: DB’s vertically-integrated online ticket vendors, DB Navigator and bahn.de, which together account for **around 95%⁵ of online rail ticket sales**.



³ DB is increasingly merging communications and advertising for its publicly subsidised infrastructure monopoly with those of its commercial divisions. In practice, the same highly recognisable red “DB” brand is used for DB InfraGO, the taxpayer-funded infrastructure and station manager, and for DB’s commercial rail operators, including DB Fernverkehr and DB Regio, as well as its vertically-integrated ticketing channels such as DB Navigator, bahn.de, DB ticket counters and ticket machines.

⁴ Publicly financed infrastructure communications may indirectly promote DB’s own commercial subsidiaries, for example on street signs, reinforcing the perception that DB is “the” railway in Germany. Indeed, DB is commonly referred to simply as “die Bahn”, literally “the railway”, despite the existence of other operators and ticket platforms.

⁵ <https://jonworth.eu/how-to-fix-railway-ticketing-in-the-eu/>

According to Deutsche Bahn's own reporting, bahn.de and DB Navigator recorded an average of **42 million visitors per month in 2023**. In the same year, bahn.de recorded around **650 million visits** and more than **44 million online bookings**, while DB Navigator had over **70 million downloads** and processed **96.5 million mobile bookings**.⁶ More than **1.5 billion travel information requests** were made via DB Navigator in 2023 alone.

In all, this clearly gives the vertically-integrated digital platforms DB Navigator and bahn.de decisive influence over what passengers see, compare and ultimately buy in Germany. For many passengers, **the whole journey takes place within DB's digital environment**: search, comparison, booking, ticket delivery, journey updates and after-sales support.



Picture: ALLRAIL member European Sleeper's Paris-Berlin service, currently unavailable for booking through the dominant ticket vendors in France (SNCF Connect) and Germany (DB Navigator).

There is **a structural conflict of interest**: the main ticketing platform that passengers use to find rail services can hide competing operators and, even if shown, does not allow them to be booked. Only other state-owned operators are shown and sold, such as SNCF Voyageurs, who are not considered to be competitors). This concern is shared by authorities.

- In June 2023, the German Federal Cartel Office (Bundeskartellamt) found that **Deutsche Bahn had abused its market power in relation to mobility 4platforms**.⁷
- In March 2024, the Düsseldorf Higher Regional Court largely confirmed that DB was required under competition law to pay 3rd party digital rail ticketing platforms a fee or commission for processing bookings. These cases demonstrate that **DB's control over digital interfaces and commercial conditions can effectively restrict competition**.⁸

DB Navigator sells tickets for istate-owned long-distance operators in Germany, such as Eurostar, ÖBB, ČD, SBB, SNCF Voyageurs, DSB and PKP. It also sells the tickets of most state-owned and independent PSO (Public Service Obligation) operators in Germany **However, independent long-distance operators** operating both within and to & from such as Westbahn, European Sleeper, Snälltåget and FlixTrain **are not shown or sold on equivalent terms**.

⁶ https://ir.deutschebahn.com/fileadmin/user_upload/DB23_Quality_Report.pdf

⁷ Bundeskartellamt, 'Bundeskartellamt concludes proceedings against Deutsche Bahn: Commitments by DB improve competition in mobility platforms', press release, 28 June 2023, available [here](#)

⁸ Bundeskartellamt, 'Higher Regional Court of Düsseldorf largely confirms immediate enforceability of Bundeskartellamt decision against Deutsche Bahn', 11 March 2024, concerning DB's abuse of market power vis-à-vis mobility platforms and access to real-time rail data, available [here](#).

- Therefore, DB Navigator clearly has the technical ability to sell a wide range of operators and tickets. **It is a commercial decision to not sell independent operators.**

What DMA-style principles would mean in rail ticketing

A rail-specific regulation should not simply copy the DMA word for word. Rail has its own operational, regulatory and technical features. However, several DMA-style principles can be translated into practical rail-ticketing obligations.

Principle	Rail-ticketing translation
Fair access for business users	A dominant rail ticketing platform should offer fair, reasonable and non-discriminatory access to all willing rail operators whose services are technically capable of being distributed.
No self-preferencing	Search, ranking, default filters and display should not systematically favour the platform owner's vertically integrated rail operators over equivalent services from independent operators.
Full and neutral visibility	Passengers should be able to see all relevant rail operators' offers in a way that allows meaningful comparison by price, time, changes, comfort and other objective criteria.
Show and sell	Visibility alone is not enough if passengers cannot complete the purchase. A rail-specific framework should move beyond "show only" towards effective booking access and a finished sales process.
Transparency of ranking and filters	Platforms should explain the main parameters used to rank and display offers, including default sorting and any commercial factors that affect prominence.
Data portability and interoperability	Passenger-facing and operational data should be portable and accessible through standardised, neutral and secure interfaces, subject to data-protection rules.
Payment neutrality	Such platforms should not use payment arrangements or closed commercial terms to create unnecessary barriers for independent operators or passengers.

Policy and not technical: a sales standard itself will not solve the issue

Contrary to what some organisations suggest, a technical standard such as OSDM alone will not resolve these concerns, nor will it ensure compliance with the DMA principles described above.

Our members, even when complying with a full transition to OSDM, were refused access to incumbent vertically-integrated ticketing platforms. **This refusal was made without any justification.**

Following an assessment by the European Union Agency in 2024⁹, a new rail ticketing standard will not, by itself, remove this barrier. **The problem is not technical.**

- **The problem is commercial and behavioural:** dominant, vertically integrated operators will actively prevent effective access to their ticketing platforms **unless there are clear, enforceable obligations** to offer fair, reasonable and non-discriminatory access, and to do so in a timely manner.

Conclusion

Rail ticketing is not just a back-office function. It is the **strategic digital gateway** to Europe's passenger rail market. **If passengers cannot see or buy a complete range of offers**, including from new independent operators on the platforms they **habitually** use, **market opening will remain incomplete in practice**, even if it exists on paper.

- The DMA demonstrates that the EU is willing to act when digital gateways become too powerful and too important to be left entirely to private platform rules.
- Now, the passenger rail sector now needs the same policy clarity.
- The Passenger Package's Rail Transport Regulation (RTR) should ensure that dominant rail ticketing platforms serve passengers, and not the commercial interests of their vertically-integrated operators.

The result should be simple for passengers and fair for the market: **all willing rail operators' offers should be visible, comparable and bookable on fair and non-discriminatory terms.** That is how digital ticketing can support rail sector growth, passenger choice and modal shift.

⁹European Union Agency for Railways (ERA), Analysis of Distribution Rules in TAP, OSDM, and Recent Competition Cases, October 2024, available at: [ERA Report: Analysis of Distribution Rules in TAP, OSDM, and Recent Competition Cases.](#)

Source material

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