



C/2024/2268

22.3.2024

Final Report of the Hearing Officer ⁽¹⁾
Case AT.40735 – Online rail ticket distribution in Spain

(C/2024/2268)

1. The present report relates to a draft commitments decision pursuant to Article 9(1) of Council Regulation (EC) No 1/2003 ⁽²⁾ (the 'Draft Decision') addressed to Renfe- Operadora, E.P.E. and Renfe Viajeros, S.M.E., S.A. (hereafter referred together as 'Renfe'), the Spanish state-owned rail incumbent operator.
2. On 28 April 2023, pursuant to Article 2(1) of Regulation (EC) No 773/2004 ⁽³⁾ the Commission initiated proceedings in the present case against Renfe, concerning an alleged infringement of Article 102 of the TFEU. On that same day, the Commission adopted a preliminary assessment within the meaning of Article 9(1) of Regulation 1/2003, which set out the Commission's competition concerns. Those concerns were that Renfe may have abused its dominant position in the Spanish market for the provision of passenger rail transport services by refusing to supply in full its full range of tickets, discounts and functionalities and real-time data displayed on its own online distribution channels to third-party on-line rail ticket vendors active in Spain. The preliminary assessment was notified to Renfe on 2 May 2023.
3. On 30 May 2023, Renfe proposed commitments (the 'Proposed Commitments') in order to meet the concerns set out by the Commission in the preliminary assessment.
4. On 27 June 2023, the Commission published a notice in accordance with Article 27(4) of Regulation 1/2003, inviting comments from interested third parties on the Proposed Commitments.
5. On 29 September 2023, the Commission informed Renfe of the observations received.
6. On 23 November 2023, Renfe submitted an amended proposal for commitments (the 'Final Commitments').
7. The Draft Decision makes the Final Commitments binding upon Renfe and finds that there are no longer grounds for action by the Commission in this case.
8. I have not received any request or complaint in the course of the proceedings. Overall, I consider that the effective exercise of procedural rights has been respected in this case.

Brussels, 21 December 2023.

Eric GIPPINI FOURNIER

⁽¹⁾ Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (OJ L 275, 20.10.2011, p. 29) ('Decision 2011/695/EU').

⁽²⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1) ('Regulation 1/2003').

⁽³⁾ Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18).