

## Communiqué DE PRESSE

Paris, 12th September 2022

### Access to data relating to the organisation or performance of public service obligations rail passenger transport contracts in the Hauts-de-France region: the ART closes the infringement procedure opened against SNCF Voyageurs

*The Authority is publishing today a decision that terminates the infringement procedure opened against SNCF Voyageurs, following the complaint lodged by the Hauts-de-France region on 13 April 2021 for non-execution of the [dispute settlement decision no. 2020-044 of 30 July 2020](#), concerning the transmission of information relating to the organisation or execution of the public passenger rail transport service. Following [its decision to issue a formal notice to SNCF Voyageurs No. 2022-001 of 4 January 2022](#), the Authority observed that SNCF Voyageurs had indeed provided the region with requested information within the time limits set out in the formal notice. The Authority will ensure that SNCF Voyageurs draws all the lessons from this case so as not to unduly delay the competitive tendering procedures organised by the transport organising authorities (AOT).*

#### **THE HAUTS-DE-FRANCE REGION NOW HAS ALL THE INFORMATION IT HAD REQUESTED AND WHICH ENABLES IT TO ENSURE EFFECTIVE STEERING OF THE ORGANISATION AND EXECUTION OF THE PSO SERVICES, AS WELL AS THE TENDERING OF THESE SERVICES**

After a complete and in-depth analysis of all the data transmitted by SNCF Voyageurs to the Hauts-de-France region, and after having ensured that this information had indeed been made available to the latter, the Authority considers, in the decision published today, that SNCF Voyageurs has correctly executed, within the required timeframe, the formal notice decision of 4 January 2022, so that there are no grounds to refer the matter to the sanction commission.

Thus, the Hauts-de-France region now has the data it had requested in the context of its referral for dispute settlement, and which related to the general organisation of the service, the justification for the compensation paid for the organisation of the service, the rolling stock and its maintenance, the offer, traffic and distribution, as well as human resources.

## **IT IS UP TO SNCF VOYAGEURS TO DRAW ALL THE LESSONS FROM THIS CASE BY ENSURING THAT IT IS ABLE TO PRODUCE THE DATA REQUESTED BY THE TRANSPORT ORGANISING AUTHORITIES EFFICIENTLY AND IN GOOD TIME**

The provision of data on the organisation and performance of a public service obligations (PSO) contract for rail passenger transport is a prerequisite for the success of the first competitive award processes for these services.

It is also essential to enable the transport organising authorities (AOTs) to monitor more effectively the performance of the public service rail passenger transport services they organise. In this case, the information requested by the Hauts-de-France region was actually provided almost three years after the region's initial requests and almost two years after the Authority's settlement decision.

As the legal framework applicable to the transmission of information to the AOTs was recently clarified by the Paris Court of Appeal in its ruling of 23 June 2022, it is now up to SNCF Voyageurs to draw the lessons from this case in order to no longer unduly delay the competitive tendering procedures organised by the AOTs by providing each of them, within an appropriate timeframe, with reliable, complete and easily usable information, regardless of the region concerned and the geographical area covered by the request. The ART will keep a particularly watchful eye on SNCF Voyageurs' compliance with its obligations in this regard.

### **For further details:**

- [Decision No 2022-051 of 12 July 2022 concerning the infringement procedure opened against SNCF Voyageurs for failure to comply with Decision No 2020-044 of 30 July 2020 settling the dispute between the Hauts-de-France Region and SNCF Voyageurs concerning the provision of information relating to the organisation or performance of public passenger rail transport services and to the missions covered by the PSO contract concluded between the Region and SNCF Voyageurs \(in French\)](#)
- [Paris Court of Appeal's ruling of 23 June 2022 \(in French\)](#)
- [Press release in French](#)

### **About the French Transport Regulatory Authority (ART)**

Since 2010, the French railway sector has had an independent authority to accompany its gradual opening to competition: the Autorité de régulation des activités ferroviaires (Araf). Law 2015-990 of 6 August 2015 on growth, activity and equal economic opportunity extended the regulator's powers to road activities - coach transport and motorways.

On 15 October 2015, Araf became the Autorité de régulation des activités ferroviaires et routières (Arafer), with the mission to contribute to the proper functioning of public service and competitive activities for the benefit of rail and road transport customers.

With competence for the regulation of airport charges since 1 October 2019, Arafer became the Transport Regulatory Authority (ART) on that date. Lastly, Law No. 2019-1428 of 24 December 2019 -mobility act- extended the Authority's powers and missions to the opening up of mobility and ticketing data, as well as to the regulation of infrastructure manager activities and security activities carried out by RATP in Île-de-France.

Its opinions and decisions are adopted by a college of five<sup>1</sup> independent members chosen for their economic, legal or technical skills in the field of digital services or transport, or for their expertise in competition matters. It is chaired since 4<sup>th</sup> August 2022 by Philippe Richert, Vice-President and Acting President.

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<sup>1</sup> Law No. 2019-1428 of 24 December 2019 on the orientation of mobilities established a transformation of the governance of the Authority's college, which will gradually become five permanent members (the current temporary member will end his term of office and will not be replaced).