

PRESS RELEASE

Paris, December 15th 2022

Publication of the "Essential" of the report on the markets and contracts awarded by the motorway concessionary companies for the year 2021

The French Transport Regulatory Authority (ART) publishes today the "Essential" report on the contracts awarded by the motorway concession companies (MCCs) for the year 2021. The "Essential" is a summary report on the contracts (works, supplies and services) and service area operation contracts awarded by the MCCs. It also covers the ART's monitoring of these contracts and the analyses undertaken by the ART in 2021, updated in light of developments in 2022.

IN 2021, THE VALUE OF CONTRACTS AWARDED BY MCCS REFLECTS A TENSE ECONOMIC CONTEXT

In 2021, the overall amount of works, supply and service contracts awarded by the MCCs on the markets decreased. Thus, the demand for works from MCCs amounted to €530 million, which is lower than the levels observed since 2017.

In this context, the MCCs of the Vinci and Eiffage groups awarded more contracts to their affiliated companies than the rest of the sector. The ART will closely monitor the evolution of this phenomenon in 2022.

DURING AN AUDIT OF THE STRUCTURING OF MCCS PURCHASES, ART IDENTIFIED IRREGULARITIES, SANCTIONED BY THE JUDICIAL JUDGE FOLLOWING AN APPEAL AGAINST TWO CONTRACTS CONCLUDED BY THE COMPANY ASF WITHOUT TENDERING PROCESS

In 2021, ART audited the ways in which SCAs structure their procurement, as these have a direct impact on the number of contracts subject to advertising obligations and control. It identified potential irregularities in the methods of calculating the estimated value of the need, which determines the type of procedure to be used for awarding a contract.

In March 2022, ART filed a petition with the Nanterre Court of First Instance for interim measures against two works contracts awarded by ASF. In a ruling delivered on 14 October 2022, the court confirmed ART's analysis: the works covered by the two disputed contracts constituted a single operation; in view of their combined value, they should have been the subject of a contract awarded in accordance with a formal procedure.

ART ISSUED THREE MAIN RECOMMENDATIONS ON CONTRACTING FOR THE OPERATION OF SERVICE AREAS

ART recommends that the State defines a price index for the charging of electric vehicles. In the lack of such an index, potential suppliers can only formulate their price moderation commitments in an imperfect manner.

Concerning fuels, it recommends that the MCCs evaluate the commitments to price moderation by taking into account the variations in the use of the areas during the week and the weighting of the different fuels in the consumption of users.

Finally, it invites the MCCs to calibrate the financial penalties, in the hypothesis that the price moderation commitments are not respected, to ensure that they are dissuasive.

For further details

- [The annual report on markets and contracts awarded by SCA in 2021 \(in French\)](#)
- [The Essential \(in French\)](#)

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 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 4th August 2022 by Philippe Richert, Vice-President and Acting President.