

FOR A EUROPEAN REGULATORY FRAMEWORK FOR TRANSPORT SERVING SUSTAINABLE MOBILITY

Proposals of ART



October 2025



Introduction

As a sectoral economic regulator, the French Transport Regulatory Authority (ART)'s main tasks are to ensure fair access to essential facilities (infrastructure, service installations, data, digital sales services) necessary for the provision of mobility services (transport services, digital mobility services), and to contribute to their efficient management, in order to support the development of the services that use them.

Beyond this, ART supervises and supports sectors that were not previously open to competition and more broadly contributes to the proper functioning of the sectors it regulates.

Its work in the rail, airport, and intelligent transport systems sectors derives directly from European legislation.

Based on this experience, ART has identified a number of areas for improvement and concrete proposals for action (amendments to existing legislation, initiatives that could be launched) that the European Commission, the European Parliament, and the Council could take forward.

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Editorial by the President

At European level, improving and simplifying the regulatory framework for transport, acting in favour of sustainable mobility

Making transport more competitive, accessible and sustainable are the main objectives of European transport policy.

As a new mandate begins following the election of the European Parliament and the appointment of a new European Commission, the challenges and stakes in the transport sector have never been more decisive for the future. In 2020, the Sustainable and Smart Mobility Strategy laid the foundations for a green and digital transformation and for greater resilience in the face of possible crises in the European transport system. From an environmental standpoint in particular, with transport accounting for over 25% of the Union's total greenhouse gas emissions¹, this strategy aimed to achieve a 90% reduction in emissions from the sector, in order to meet the goal of carbon neutrality by 2050 set by the European Green Deal². Building a more resilient single European transport area and moving towards decarbonised and seamless mobility remain pressing issues if we are to respond to the concrete concerns of citizens and businesses. Other Europe-wide challenges may also shape the future of transport in light of the international context, such as military mobility.

¹ Eurostat

² European Green Deal (2019)

“ I would like ART to continue contributing actively to the development and improvement of the European regulatory framework ”



In this context, the economic regulation of transport can be a powerful tool for helping to achieve the objectives of European mobility policy, by contributing to the development of high-performance infrastructure and transport systems capable of supporting business competitiveness and the freedom of movement of citizens, while at the same time promoting decarbonisation of transport.

To this end, the European legal framework should pursue a dual objective of efficiency and simplification.

On the one hand, it should enable national regulators to carry out their tasks effectively, by providing them with adequate means of action. On the other hand, in a context of proliferating texts and regulatory complexity, the European legislator could simplify the legal framework, whenever relevant, in order to facilitate its application by both public and private stakeholders and to improve the impact of economic regulation in favour of the sound functioning of the transport sector.

The French Transport Regulatory Authority (ART), which I chair, is the economic regulator responsible for the sound economic functioning of six transport sectors in France: rail, concession motorway network, long-distance coaches, major national airports, public transport in Île-de-France, and digital mobility data and services.

Its action in the rail, airport and intelligent transport systems sectors stems directly from European Union law. Directive 2012/34/EU of 21 November 2012 and the European regulations supplementing it set out the competences of the national regulator in the rail sector, in a market where passenger and freight rail services are open to competition. In the airport sector, Directive 2009/12/EC of 11 March 2009 on airport charges provides a framework for fair and transparent pricing of airline access to airport infrastructure services, under the regulator’s supervision. Finally, Directive 2010/40/EU of 7 July 2010 on the framework for the deployment of intelligent transport systems, together with its delegated regulations, forms the basis of ART’s action in this field.

On the basis of this document, I would like ART to continue contributing actively to the development and improvement of the European regulatory framework. Drawing on its experience in each of the three sectors mentioned, ART presents its findings and puts forward proposals for action, which I hope will be useful to the progress of the work you will undertake in the coming months, to improve both the regulatory framework and the role of the economic regulator, through greater efficiency and simplicity. In the same way as at national level, and true to its commitment to dialogue, ART stands ready to assist the European Commission, the European Parliament and the Council by informing their work, contributing to their reflections and supporting their actions to improve the economic functioning of transport and promote sustainable mobility.

Thierry Guimbaud
President of the French Transport Regulatory Authority

A blue ink handwritten signature of Thierry Guimbaud, consisting of several fluid, overlapping strokes.

“ The economic regulation of transport can be a powerful tool for helping to achieve the objectives of European mobility policy ”



**IMPROVING THE
EUROPEAN REGULATORY
FRAMEWORK TO
ACCELERATE RAIL
DEVELOPMENT**

1.1

The current European framework in the rail sector

Initiated in the early 1990s by the European Union, the gradual opening of the rail sector to competition began with the separation of infrastructure management activities (network development and maintenance) from network operation activities, namely the commercial provision of transport services. Over time, the European legal framework was strengthened through a series of regulations and directives known as "railway packages". Four such legislation packages, adopted between 2001 and 2016, harmonised the rules governing rail activities across member states and progressively opened them to competition.

Today, Directive 2012/34/EU of 21 November 2012, establishing a single European railway area, together with the supplementary European regulations, provides a general framework and rules allowing national rail systems to operate effectively within a market for passenger and freight rail services open to competition.

The directive covers both charging and non-charging aspects of access to rail infrastructure and service facilities and defines the competencies of national regulators. It provides a framework to ensure the independence of infrastructure managers, including, as is the case in many European countries, such as France, where these managers are vertically integrated within a railway group that also includes historical railway undertakings. It also establishes incentives for cost reduction, track access charges, and service quality improvements for infrastructure managers, based on the implementation of contracts between the managers and the Member State to which they belong, complemented by regulatory measures. Finally, Directive 2012/34/EU entrusts broad monitoring and control powers to independent sectoral regulatory authorities.

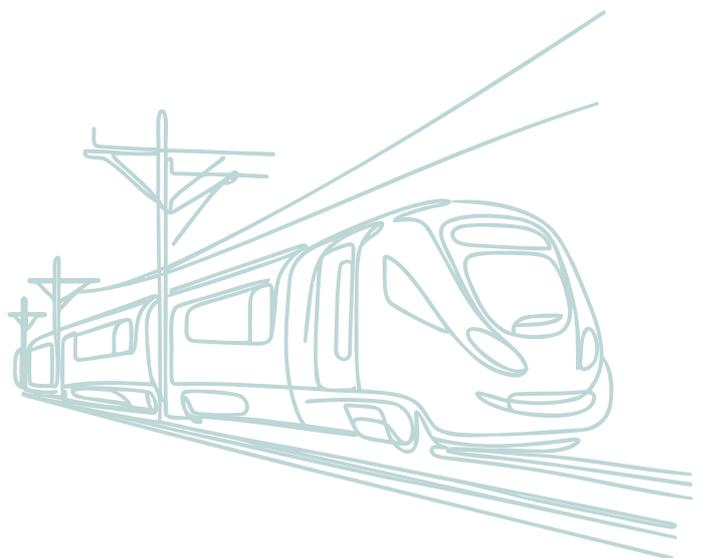
Based on experience in implementing EU law, ART considers that Directive 2012/34/EU could be usefully supplemented and clarified in several areas along four main axes:

- make the work of national regulators more effective by clarifying their role in the legislation ;
- more explicitly promote the development of incentive-based regulation for the performance of essential infrastructure managers ;
- strengthen the independence of the railway infrastructure manager and the unified manager of passenger stations;
- ensure the consistency of access charges proposed by infrastructure managers for international rail transport services.



1.2

Proposals for improving and simplifying the economic regulation of the rail sector



Make the work of national regulators more effective by clarifying their role in the legislation

Why?

Directive 2012/34/EU is both minimally prescriptive and, at the same time, lacks nuance, imposing systematic charging and non-charging regulation of access to rail infrastructure and service installations without linking its scope or intensity to the relevant market conditions.

How?

On the one hand, European legislation could explicitly provide Member States with choices regarding charging regulation.

In line with the provisions of Directive 2009/12/EC on airport charges, legislation could specify that Member States may choose either: (i) an *ex ante* charging regulation procedure requiring prior approval of access charges for essential rail infrastructure, or (ii) an *ex post* control mechanism to ensure that current access charges comply with applicable law – these two control methods being mutually exclusive.

On the other hand, national regulators could be tasked with analysing rail markets, identifying market failures, and proposing remedies by issuing appropriate recommendations on access conditions, both charging and operational.

Directive 2012/34/EU could be revised to require national regulators to conduct regular – e.g., five-yearly – analyses of competitive conditions in relevant markets for service facility operators (e.g., rolling stock maintenance, freight terminals, marshalling yards) to determine the level of market failure and implement suitable regulatory remedies. For instance, while charging regulation based on cost coverage remains relevant for infrastructure managers with natural monopolies (e.g., stations), such regulation may be unnecessary or even counterproductive for service installation operators operating in competitive markets (e.g., freight rolling stock maintenance).



Proposals for action



Legislation

1. Clarify the choice of Member States regarding charging regulation between a systematic *ex ante* approval procedure prior to the entry into force of charges, and an *ex post* right of appeal available to railway undertakings or authorised applicants

Directive 2012/34/EU establishing a single European railway area

2. Provide that regulators may carry out regular analyses of the competitive situation in the relevant markets in order to determine the need for, and the modalities of, regulation of conditions of access to service facilities

Directive 2012/34/EU establishing a single European railway area

More explicitly promote the development of incentive-based regulation for the performance of essential infrastructure managers

Why?

Directive 2012/34/EU could usefully be strengthened in order to more explicitly promote the development of incentive-based regulation aimed at enhancing the economic and industrial performance of essential infrastructure managers. Aligning charges with the costs of an efficient operator, combined with the implementation of incentive-based regulation on service quality, would help reduce the risks of organisational inefficiency and rent-seeking by infrastructure managers or operators of service facilities.

How?

Two major levers could be mobilised:

- **the express strengthening of the incentives provided for in Article 30 of Directive 2012/34/EU** to encourage the infrastructure manager, while complying with safety requirements and maintaining and improving the quality of service, to reduce the costs of providing the infrastructure and the level of access charges, by providing for:
 - the obligation for infrastructure managers to regularly publish a set of indicators related to the quality of service provided to users in order to promote the establishment of effective reputational regulation;
 - the obligation for infrastructure managers to provide effective financial incentive mechanisms to ensure a good level of performance, under the supervision of national regulators;
- that the "regulatory measures" referred to in point 3 of Article 30 of Directive 2012/34/EU may cover regulatory measures proposed by Member States and/or regulatory measures proposed by national regulatory authorities;
- **introducing, within the charging principles,** (i) a reference to the costs of an efficient operator to determine the costs incurred by infrastructure or service facility managers, enabling them to set the level of access charges, and (ii) an explicit link between the sustainability of mark-ups for the market and the level of quality of service provided by the infrastructure manager.



Proposals for action



Legislation

1. Strengthen the incentives provided for in Article 30 to encourage the infrastructure manager to reduce the costs of providing the infrastructure and the level of access charges

Directive 2012/34/EU establishing a single European railway area (article 30)

2. Explicitly base track access charges on the costs of an efficient operator and link charges to the level of quality of service provided, in line with the European Commission's guidelines C/2025/2606³

Directive 2012/34/EU establishing a single European railway area (articles 31 and 32) or other legally binding text

³ Communication from the Commission on interpretative guidelines concerning the setting up of charges for the use of railway infrastructure, C/2025/2606.



Strengthen the independance of the railway infrastructure manager and the unified manager of passenger stations

Why?

Experience and feedback from new market entrants indicate that the vertical integration of essential infrastructure managers (network, stations) with historical railway undertakings constitutes a barrier to entry, creating a trust issue that must be mitigated.

It is therefore necessary to guarantee railway infrastructure users, particularly new entrants, that sufficiently robust processes are in place to ensure the effectiveness and independence of vertically integrated essential infrastructure managers, in the absence of full independence through their legal separation from historical operators – which could be justified today given the evolution and maturity of the railway sector.

How?

Three measures could be considered:

- **extend the essential functions**, currently limited to capacity allocation and charges, to include the management of railway operations as well as the planning and management of maintenance, renewal, modernisation, and development of railway infrastructure;
- **require infrastructure managers to publish, in a collection accessible to all (e.g., on their website), the rules, processes, and procedures** implemented to ensure their independence, along with regular approval of these rules, processes, and procedures by the national regulator, combined with oversight of their implementation based on a compliance approach;
- **apply the infrastructure manager's independence safeguards to the vertically integrated station manager**, covering both governance and the functions of access charges and work programming.

 Proposals for action	 Legislation
1. Expand the independence guarantees for infrastructure managers beyond the mere processes of structuring, capacity allocation, and access charges setting	Directive 2012/34/EU establishing a single European railway area
2. Require infrastructure managers to publish the rules, processes, and procedures put in place to guarantee their independence in an accessible manner	Directive 2012/34/EU establishing a single European railway area
3. Grant national regulators the power to approve and supervise the rules put in place , within a compliance framework	Directive 2012/34/EU establishing a single European railway area
4. Extend the infrastructure manager's independence guarantees to the vertically integrated station manager , including governance, access charges, and work scheduling	Directive 2012/34/EU establishing a single European railway area

Ensure the consistency of access charges proposed by infrastructure managers for international rail transport services

Why?

Currently, there is no real cooperation among European infrastructure managers to implement charges that provides relevant economic signals for rail services using multiple networks. This situation may lead to opportunistic behaviour by infrastructure managers, which could be detrimental to the rail system as a whole.

How?

Following practices in other sectors (for example, in electronic communications with call termination charges or in postal services with terminal fees), effective coordination systems for access charges could usefully be deployed to strengthen the existence of a single European railway area.

These coordination systems would:

- **reduce administrative burden and coordination costs currently borne by railway undertakings**, through a single billing point and a single contact, while facilitating regulators' interventions in implementing their charging regulation mandate;

- **encourage exchanges among infrastructure managers to achieve more coherent and harmonised charges** between Member States, taking into account the specificity of international train paths.

Based on reciprocal exchanges, a system coordinating access charges for international rail services could foresee that the infrastructure manager in the country of origin of a rail service is the only infrastructure manager with whom the railway undertaking must pay access charges. That infrastructure manager would then contract with the infrastructure managers of the destination countries or countries through which the flows transit, establishing access charges (defined by level and structure) that it would pay on behalf of the railway undertaking.



Proposal for action

1. **Implement a "Calling Party Pay" option** to allow the establishment of a single point of contact for international rail services



Legislation

Directive 2012/34/EU establishing a single European railway area (article 44)



**FACILITATE
EUROPEAN CITIZENS'
ACCESS TO RAIL
AND MULTIMODAL
TICKETING**

2.1

An emerging European legal framework for multimodal digital mobility service

To date, there is no European regulatory framework regarding the "ticketing" component of intelligent transport systems, unlike the "information" component, which is subject to digital data sharing obligations (road or multimodal)⁴. The absence of such a framework, despite competition authority initiatives, hinders the development of multimodal digital mobility services (MDMS) and the purchase of tickets combining different transport modes via sales/distribution platforms. Consequently, it hampers both the development of the multimodal ticketing market and passenger rail transport services.

However, French law⁵ already provides MDMS with legal access to distribute dematerialised transport tickets for services covered or provided locally, under the supervision of ART, which has powers for dispute resolution, monitoring, and sanctions. This legal framework, however, has proven insufficiently clear and precise regarding its scope. These uncertainties have delayed and hindered the conclusion of contracts between service managers and platforms, leaving interpretation of this legal framework to the regulator.

Two initiatives on rail and multimodal ticketing have been announced by the European Commissioner for Transport and are expected in 2026:

- **one concerning MDMS**, which aims to regulate access to these platforms, including obligations to allow multiple offers to users in a transparent, fair, and non-discriminatory manner;
- **another concerning single digital booking and ticketing (the Single Digital Booking and Ticketing Regulation, SDBTR)**, which aims to regulate railway operators, requiring them to make their services available on platforms by facilitating intermediaries' access to data and transport tickets.

Beyond this, two complementary initiatives are envisaged:

- **a revision of Regulation 2021/782 on rail passengers' rights and obligations⁶**, to cover travel combining trips operated by different operators;
- **a revision of the interoperability technical specification for the "telematic applications for passengers" subsystem⁷**, which could provide for the implementation of a common European ticketing interface called open sales distribution model (OSDM).

Based on experience in implementing EU law, ART considers that the upcoming initiatives could be usefully supplemented and clarified in several areas along two main axes:

- give public transport users within the Union easy access to rail and multimodal ticketing;
- remove the barrier to entry for new rail entrants to access customers by facilitating the distribution of their digital transport tickets.

⁴ These are the delegated regulations of Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of intelligent transport systems in the field of road transport and for interfaces with other modes of transport, in particular Delegated Regulation (EU) 2017/1926 as amended by Commission Delegated Regulation (EU) 2024/490 of 29 November 2023, with regard to the provision of EU-wide multimodal travel information services, and Commission Delegated Regulation (EU) 2022/670 of 2 February 2022 with regard to the provision of EU-wide real-time traffic information services.

⁵ Article 28 of Law No. 2019-1428 of 24 December 2019 on mobility orientation.

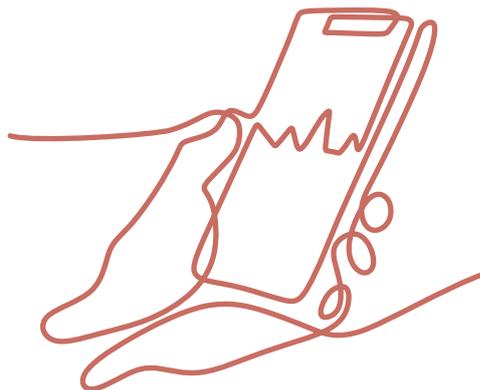
⁶ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast)

⁷ Commission Regulation (EU) No. 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passengers services' of the trans-European rail system



2.2

Proposals to support the development of efficient multimodal digital mobility services at European levels



Give public transport users within the Union easy access to rail and multimodal ticketing

Why?

Customers and transport users within the Union need to have access to the entire transport offer in a fluid and centralised manner in order to facilitate the planning, purchase and completion of their journeys by public transport. The development of digital multimodal mobility systems is therefore an essential development in this respect.

However, the absence of a European legal framework for the opening up of digital sales services for mobility service managers limits the development of digital multimodal mobility systems and, consequently, the deployment of intelligent transport systems within the Union aimed at promoting the use of low-carbon mobility. Providers of multimodal digital mobility services sometimes report refusals to access certain services (especially local or low-cost services) and often face the absence of a viable economic model through the contracts offered to them.

How?

European law could put in place a regulatory framework, based in particular on:

- a right of access for multimodal digital mobility services to the digital distribution of transport operators with significant market power, to avoid fragmentation of available services and promote the development of the ticketing market;
- a right for all railway operators to be distributed by multimodal digital mobility services with significant market power;
- the exercise of these rights under fair, reasonable and non-discriminatory conditions to ensure, on the one hand, an economic model for multimodal digital mobility services that preserves the interests of operators and organising authorities, and, on the other hand, a fair competitive playing field in the market for passenger rail transport services.

To ensure legal certainty and economic viability for these services, the framework should be sufficiently precise, particularly regarding the financial conditions under which these services can digitally distribute transport tickets (e.g., whether access fees may be charged to these services, whether the mobility service may receive remuneration or commissions from the transport operator and/or the user, under clearly defined principles). This is essential so that new rules simplify contractual negotiations rather than complicate business operations, ultimately benefiting Union citizens.

Regulators could be set up within each Member State to ensure compliance with these obligations, specifying the competent body for transport operators and multimodal mobility digital services present in several countries of the Union⁸.

 Proposals for action	 Legislation
1. Establish at the European level an asymmetrical obligations regime applicable to transport operators and multimodal digital mobility services with significant market power	Upcoming legislation
2. Specify the conditions, in particular financial, under which multimodal digital mobility services can ensure the digital distribution of transport tickets	Upcoming legislation
3. Provide an effective control/sanction system to ensure compliance with these obligations (designation by the Member States of a regulator and establishment of a control system dedicated to operators and services present in several Member States)	Upcoming legislation

⁸ The Directive on electronic commerce (Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market) could restrict the organisation of controls for this type of operator, by assigning responsibility solely to the Member State in which the operator is established, even where it conducts activities in several countries, so that controls to ensure compliance with its obligations may only be carried out there, while breaches may actually be observed in another Member State.

Remove the barrier to entry for new rail entrants to access customers by facilitating the distribution of their digital transport tickets

Why?

The vast majority of rail tickets (over 90% in France) are now distributed digitally. However, incumbent operators are dominant (in audience share) both in distribution and service provision: in France for instance, the incumbent operator still holds a very large market share in digital ticket distribution. This can limit new entrants' access to the digital ticketing distribution market and their downstream market penetration.

How?

Incumbent operators active in digital ticket distribution, particularly those with significant market power, could be obliged to sell tickets of new entrants requesting them under objective, transparent, fair, and non-discriminatory conditions. Guarantees could be required to ensure compliance with these obligations and conditions, for example, functional or at least accounting separation of transport and distribution activities to provide sufficient safeguards.

In addition, railway undertakings could be obliged to accept the combination of their offer with that of other operators. In this regard, the provisions of the agreement on journey continuation concluded among 17 major European railway operators, which allows international passengers to reach their final destination in case of train delay or cancellation, could be made mandatory and extended to domestic connections.

Finally, common exchange and ticketing standards could usefully be established.

 Proposals for action	 Legislation
1. Deploy, at the European level, a regulatory framework requiring incumbent railway operators active in digital ticketing to distribute new entrants' tickets upon request, under fair, reasonable, and non-discriminatory conditions	Upcoming legislation
2. Ensure fair digital distribution guarantees, e.g., through functional or accounting separation of vertically integrated transport operators with distribution services	Upcoming legislation
3. Deploy, at the European level, the possibility of combining offers between railway operators and a journey continuation agreement	Upcoming legislation Regulation (EU) 2021/782 on rail passengers' rights and obligations
4. Define standards for data exchange and digital distribution of transport tickets	Regulation (EU) No. 454/2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passengers services of the trans-European rail system



**PROMOTING
EFFICIENT
MANAGEMENT
OF MAJOR
AIRPORTS FOR THE
BENEFIT OF ALL**



3.1

The current European framework in the airport sector

Airports are essential infrastructures that play a crucial role in the competitive environment of air transport based on the European single market established in the 1990s⁹. Regulation (EC) No. 1008/2008 guarantees the freedom of establishment for air carriers within the European Union (EU) for intra-European routes. Any EU-based air carrier can freely set fares for passenger and freight transport and can access any route within the EU. It guarantees the transparency of air fares, in particular prohibiting fare discrimination based on nationality. This market, extended to Norway, Iceland, and Switzerland, can be further expanded to neighbouring countries under the agreement establishing a European Common Aviation Area (ECAA).

Several EU texts contribute to the establishment of the single market and aim to ensure fair competition in the related market for airport services:

- ◆ **Directive 2009/12/EC¹¹ on airport charges** provides a framework for fair and transparent charges of airlines access to airport infrastructure services under the supervision of an Independent Supervisory Authority, the national regulator. It aims to promote the transparency of information shared in the context of regular consultations between airport operators and their users, and to strengthen the role and independence of regulators to oversee the setting of charges. In France, Ordinance No. 2019-761 of 24 July 2019¹² defined the powers of ART regarding airport charges for airports handling over five million passengers annually and for associated secondary aerodromes.

- ◆ **Directive 96/67/EC¹³ on groundhandling services** opens up the groundhandling services market to competition by allowing multiple service providers to operate at the same airport. It helps to reduce groundhandling costs for airlines while ensuring transparency in the selection of service providers and adequate quality and safety standards.
- ◆ **Regulation (EEC) no. 95/93¹⁴ on slots** regulates the access of airlines to congested airports when the available capacities are not sufficient to meet demand. In France, the coordination association for timetables at French airports (COHOR) is designated as coordinator for slot allocation at certain aerodromes, in accordance with the regulation.

Airport infrastructures present significant barriers to entry, including high investment costs, and therefore require effective regulation to prevent them from exercising their market power to the detriment of their users.

Based on experience in implementing EU law, ART considers that Directive 2009/12/EC could be usefully supplemented and clarified in several areas along three main axes:

- ◆ strengthen the powers and guarantees of independence of independent supervisory authorities;
- ◆ enable the implementation of differentiated regulation adapted to each airport by the economic regulator, promoting fluidity and simplicity;
- ◆ enable effective economic regulation of the airport sector.

⁹ Air liberalisation packages have gradually opened up the air transport market in Europe. The first package (1993) introduced fare freedom and seat quotas between certain Member States; the second package (1993) aimed to allow more open market access for airlines from Member States; the third package (1997) introduced the rules governing the possibility for an airline to operate domestic flights within another Member State (cabotage).

¹⁰ Regulation (EC) No. 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (recast).

¹¹ Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges.

¹² Ordinance No. 2019-761 of 24 July 2019 relating to the airport charges regulator was taken on the basis of Article 134 of Law No. 2019-486 of 22 May 2019 relating to the growth and transformation of companies.

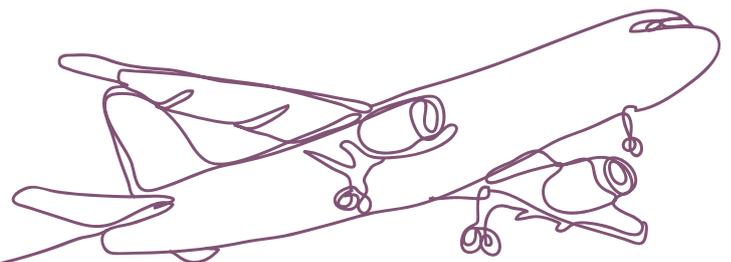
¹³ Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports.

¹⁴ Regulation (EEC) No. 95/93 on common rules for the allocation of slots at EU airports (Slot Regulation).



3.2

Proposals for improving and simplifying the economic regulation of the airport sector



Strengthen the powers and guarantees of independence of independent supervisory authorities

Why?

The independence of independent supervising authorities, national economic regulators, required by Directive 2009/12/EC, is an essential condition for the effective regulation of airport charges. It aims to ensure impartial and transparent regulation while allowing regulators to have the necessary human and financial resources to carry out their tasks¹⁵.

However, under the current legislation, the powers and guarantees of independence of national regulators appear insufficient in three respects.

- Firstly, the independence of national regulators must be effective, which implies, as recently ruled by the CJEU¹⁶, that they can define the implementation modalities of the regulatory framework provided by European and national legislation for airports within their competence.
- Secondly, while the funding conditions of national regulators are decisive for their effective independence, they are only mentioned in a recital of the Directive and the conditions for their financial autonomy may not be fully guaranteed at the national level.
- Thirdly, European law does not regulate the determination of airport cash till systems. However, Member States may have direct involvement in the economic balance of operators as shareholders or grantors. In the absence of regulatory oversight, this creates the risk that cash system arrangements may insufficiently consider users' interests.

How?

Directive 2009/12/EC could specify that the method of financing national regulators must guarantee their independence.

It could also require regulators to define the methodology used to ensure compliance of charges with the provisions of the directive – notably the

methods for calculating the various parameters necessary to determine charge tariffs – for airports within their competence.

Finally, it could provide for the consultation of national regulators in the definition of cash till systems.

 Proposals for action	 Legislation
1. Require national regulators to define the methodology used to ensure compliance of charges with the directive	Directive 2009/12/EC on airport charges
2. Specify that the method of financing national regulators must guarantee their independence	Directive 2009/12/EC on airport charges
3. Provide for the consultation of the national regulator in the definition of cash till systems ¹⁷	Directive 2009/12/EC on airport charges

¹⁵ Recital 12 and Article 11, paragraph 3, of Directive 2009/12/EC.

¹⁶ CJEU, 2 September 2021, *European Commission v Federal Republic of Germany*, C-718/18.

¹⁷ See point 3.7 of the Thessaloniki Forum paper "Airport till structure and Cost Allocation", January 2021.

Enable the implementation of differentiated regulation adapted to each airport by the economic regulator, promoting fluidity and simplicity

Why?

Applying the same regulatory framework to all airports in a Member State supervised by an economic regulator has **significant limitations**, as airports can have very different characteristics (size, volume, traffic types, geographical location, etc.). These differences call for a more nuanced regulatory approach, ensuring simplicity and efficiency, relying on stronger supervision for some airports and lighter oversight for others – which the current framework does not allow¹⁸.

How?

The **specificities of each airport could be better considered** through differentiated regulation, providing for systematic *ex ante* regulation for some airports and "on-demand" control for others in case of disagreement between stakeholders. This distinction should be made according to several economic and financial parameters and fall within the competence of the economic regulator. The establishment of such a regulatory framework implies two major developments:

- **First, the framework for exchanges between operators and users should be strengthened.** On the one hand, the consultation process should be clearly defined, guaranteeing sufficient time to allow for a thorough analysis of the proposals and the development of constructive responses.

On the other hand, the nature and scope of information to be shared should be clearly specified, allowing balanced consultation and fostering agreements serving all interests.

- **Secondly, a reinforced system for the economic and financial monitoring of airports by economic regulators should be put in place.** This supervisory mechanism would allow economic regulators, on the one hand, to ensure adequate control, while offering more flexibility in the application of regulation, and, on the other hand, to improve the transparency of information on the markets. A European-level consolidation of national regulators' work could be envisaged, following the IRG-Rail model¹⁹ in the rail sector.



Proposals for action



Legislation

1. Establish, under the control of national regulators, differentiated regulation providing for systematic *ex ante* regulation for some airports and "on-demand" control for other airports in case of disagreement between stakeholders ²⁰

Directive 2009/12/EC on airport charges (articles 6 and 4)

2. Clarify and make the consultation process between airports and users more efficient

Directive 2009/12/EC on airport charges (articles 6, 7 and 8)

3. Require national regulators to ensure economic and financial monitoring of all airports under their jurisdiction, as well as a European consolidation of this monitoring

Directive 2009/12/EC on airport charges

¹⁸ In particular, with regard to the possibility of opting for differentiated forms of regulation according to airports within the same Member State. In addition, the possibility, offered by Article 6§5 b) of Directive 2009/12/EC, of deregulating certain airports on the basis of market power tests is in practice difficult to apply at a reasonable cost and with a satisfactory degree of legal certainty.

¹⁹ In application of Directive 2012/34/EU in the rail sector.

²⁰ Better articulate Articles 6§5 a) and 6§3 and 4 to subject certain airports to the systematic regulation procedure referred to in Article 6§5 a) and others to appeals before the national regulator at the request of the parties, provided for in Article 6§3 and 4.

Enable effective economic regulation of the airport sector

Why?

The current European framework does not allow the implementation of effective economic regulation of the airport sector.

- The absence of explicit reference to the costs of an efficient operator weakens the ability of national regulators to exercise relevant control when approving airport charges, which is necessary to incentivise operators towards efficient management of the facilities.
- The absence of explicit control by national regulators over the quality of service provided to users does not guarantee that cost rationalisation efforts by operators will not compromise the quality of airport services.
- The current regulatory framework presents significant risks to the integrity of the charging system and to fairness in the airport sector, by allowing parallel and confidential commercial agreements between certain airlines and airport operators. Such agreements may distort competition between users and contribute to the opacity of the charging system.
- The current framework does not allow tariff periods to be coherently aligned with the investment cycles of airport infrastructures, preventing clear visibility for stakeholders.

How?

More effective economic regulation could be implemented by:

- **expanding the economic and financial parameters considered in tariff regulation**, such as the costs of an efficient operator and the quality of service provided to users, in line with common practices in network industries regulation (energy, telecoms);
- **introducing multi-year tariff regulation better aligned with the investment cycles** of the facilities, ensuring simplicity and efficiency;
- **implementing a framework for governing bilateral commercial agreements.**

 Proposals for action	 Legislation
1. Expressly provide that tariffs are set taking into account the costs of an "efficient operator" and the level of service quality	Directive 2009/12/EC on airport charges (article 6)
2. Promote multi-year tariff regulation	Directive 2009/12/EC on airport charges
3. Ensure harmonised oversight of "marketing" agreements between certain carriers and airport operators	Directive 2009/12/EC on airport charges



**SUMMARY
OF ART PROPOSALS**

Improving the European regulatory framework to accelerate rail development



Proposals for action



Legislation

Objective 1: Make the work of national regulators more effective by clarifying their role in the legislation

1. Clarify the choice of Member States regarding charging regulation between a systematic <i>ex ante</i> approval procedure prior to the entry into force of charges, and an <i>ex post</i> right of appeal available to railway undertakings or authorised applicants	Directive 2012/34/EU establishing a single European railway area
2. Provide that regulators may carry out regular analyses of the competitive situation in the relevant markets in order to determine the need for, and the modalities of, regulation of conditions of access to service facilities	Directive 2012/34/EU establishing a single European railway area

Objective 2: More explicitly promote the development of incentive-based regulation for the performance of essential infrastructure managers

1. Strengthen the incentives provided for in Article 30 to encourage the infrastructure manager to reduce the costs of providing the infrastructure and the level of access charges	Directive 2012/34/EU establishing a single European railway area (article 30)
2. Explicitly base track access charges on the costs of an efficient operator and link charges to the level of quality of service provided, in line with the European Commission's guidelines C/2025/2606	Directive 2012/34/EU establishing a single European railway area (articles 31 and 32) or other legally binding text

Objective 3: Strengthen the independence of the railway infrastructure manager and the unified manager of passenger stations

1. Expand the independence guarantees for infrastructure managers beyond the mere processes of structuring, capacity allocation, and access charges setting	Directive 2012/34/EU establishing a single European railway area
2. Require infrastructure managers to publish the rules, processes, and procedures put in place to guarantee their independence in an accessible manner	Directive 2012/34/EU establishing a single European railway area
3. Grant national regulators the power to approve and supervise the rules put in place, within a compliance framework	Directive 2012/34/EU establishing a single European railway area
4. Extend the infrastructure manager's independence guarantees to the vertically integrated station manager, including governance, access charges, and work scheduling	Directive 2012/34/EU establishing a single European railway area

Objective 4: Ensure the consistency of access charges proposed by infrastructure managers for international rail transport services

1. Implement a "Calling Party Pay" option to allow the establishment of a single point of contact for international rail services	Directive 2012/34/EU establishing a single European railway area (article 44)
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Facilitate European citizens' access to rail and multimodal ticketing



Proposals for action



Legislation

Objective 1: Give public transport users within the Union easy access to rail and multimodal ticketing

<p>1. Establish at the European level an asymmetrical obligations regime applicable to transport operators and multimodal digital mobility services with significant market power</p>	Upcoming legislation
<p>2. Specify the conditions, in particular financial, under which multimodal digital mobility services can ensure the digital distribution of transport tickets</p>	Upcoming legislation
<p>3. Provide an effective control/sanction system to ensure compliance with these obligations (designation by the Member States of a regulator and establishment of a control system dedicated to operators and services present in several Member States)</p>	Upcoming legislation

Objective 2: Remove the barrier to entry for new rail entrants to access customers by facilitating the distribution of their digital transport tickets

<p>1. Deploy, at the European level, a regulatory framework requiring incumbent railway operators active in digital ticketing to distribute new entrants' tickets upon request, under fair, reasonable, and non-discriminatory conditions</p>	Upcoming legislation
<p>2. Ensure fair digital distribution guarantees, e.g., through functional or accounting separation of vertically integrated transport operators with distribution services</p>	Upcoming legislation
<p>3. Deploy, at the European level, the possibility of combining offers between railway operators and a journey continuation agreement</p>	<p>- Upcoming legislation</p> <p>- Regulation (EU) 2021/782 on rail passengers' rights and obligations</p>
<p>4. Ensure fair digital distribution guarantees, e.g., through functional or accounting separation of vertically integrated transport operators with distribution services</p>	Upcoming legislation

Promoting efficient management of major airports for the benefit of all



Proposal for action



Legislation

Objective 1: Strengthen the powers and guarantees of independence of independent supervisory authorities

1. Require national regulators to define the methodology used to ensure compliance of charges with the directive	Directive 2009/12/EC on airport charges
2. Specify that the method of financing national regulators must guarantee their independence	Directive 2009/12/EC on airport charges
3. Provide for the consultation of the national regulator in the definition of cash till systems	Directive 2009/12/EC on airport charges

Objective 2: Enable the implementation of differentiated regulation adapted to each airport by the economic regulator, promoting fluidity and simplicity

1. Establish, under the control of national regulators, differentiated regulation providing for systematic ex ante regulation for some airports and "on-demand" control for other airports in case of disagreement between stakeholders	Directive 2009/12/EC on airport charges (articles 6 and 4)
2. Clarify and make the consultation process between airports and users more efficient	Directive 2009/12/EC on airport charges (articles 6, 7 and 8)
3. Require national regulators to ensure economic and financial monitoring of all airports under their jurisdiction, as well as a European consolidation of this monitoring	Directive 2009/12/EC on airport charges

Objective 3: Enable effective economic regulation of the airport sector

1. Expressly provide that tariffs are set taking into account the costs of an "efficient operator" and the level of service quality	Directive 2009/12/EC on airport charges (article 6)
2. Promote multi-year tariff regulation	Directive 2009/12/EC on airport charges
3. Ensure harmonised oversight of "marketing" agreements between certain carriers and airport operators	Directive 2009/12/EC on airport charges

**ABOUT THE FRENCH
TRANSPORT
REGULATORY
AUTHORITY**



About the French Transport Regulatory Authority

Since 2010, the French rail sector has had an independent authority that supports its gradual opening to competition: the French railway Regulatory Authority (ARAF).

Law No. 2015-990 of 6 August 2015 on growth, activity, and equal economic opportunity expanded the regulator's remit to road transport activities – coach services and motorways.

On 15 October 2015, ARAF thus became the French railway and road Regulatory Authority (ARAFER), with the mission of contributing to the proper functioning of the public service and competitive activities, for the benefit of rail and road transport customers.

Competent for the regulation of airport charges since 1 October 2019, ARAFER became the French Transport Regulatory Authority – ART) on that date.

Finally, Law No. 2019-1428 of 24 December 2019 on orientation of mobility extended the Authority's competences and missions to include the opening of mobility and ticketing data, as well as the regulation of infrastructure management activities and the security activities carried out by RATP in Île-de-France.

Its opinions and decisions are adopted by a board composed of five independent members chosen for their economic, legal, or technical expertise in the field of digital services or transport, or for their knowledge of competition issues. It has been chaired by Thierry Guimbaud since 29 December 2023.

In 2025, ART celebrates 15 years of promoting sustainable mobility.



Increasing ART's scope of action



Law n°2015-990 for growth, activity and equal economic opportunities known as "Macron law"

Road passenger transport by long-distance coaches

"contributes to the smooth operation of the market for regular intercity passenger road transport services, [...]", particularly by

- conducting studies and providing relevant information
- overseeing access rules for facilities and coach stations
- granting its assent to projects led by transport authorities aiming to prohibit or limit new freely organized coach services operating over distances of 100 km or less

August 2015



Order of 24 July 2019 issued on the basis of the "PACTE" Act

Airport sector

- "approves the charges rates for services rendered [...] and their adjustments"
- "ensures the economic and financial monitoring of aerodromes", including those "whose annual traffic exceeded five million passengers in any of the previous five calendar years".

July 2019



Law n°2019-1428 on the orientation of mobility, known as "LOM"

Digital mobility services sector

- ensures that "the data required for passenger information is made available" and that it is properly re-used
- ensures compliance with "terms and conditions of access to [digital] sales services" and with "obligations applicable [to the digital distribution of transport tickets mainly at local and regional level]".

December 2019

Law n°2009-1503 on the organisation and regulation of rail transport



Railway sector

"contributes to the monitoring and proper functioning of the national rail transport system in its technical, economic and financial dimensions" notably by overseeing charges and ensuring the quality and fairness of access conditions to the network, stations and other essential rail facilities.

Law n°2015-990 for growth, activity and equal economic opportunities known as "Macron law"



Motorway sector

- "ensures the proper operation of the motorway pricing system"
- "may [...] collect data, perform expert assessments, conduct studies and carry out all necessary information activities in the motorway concession sector."
- "ensures effective and fair competition during the awarding of contracts [for works, supplies or services awarded by a concession company for the purposes of the concession]".

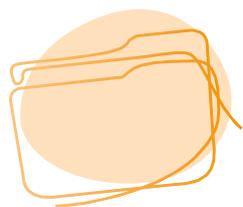
Law n°2019-1428 on the orientation of mobility, known as "LOM"



Urban public transport in the Île-de-France region

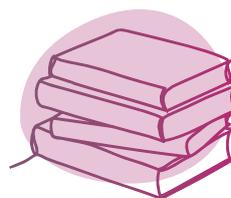
"is competent for the metro network and the regional express network (RER) [...], for the Grand Paris public transport network": in particular, it issues assents

- on the remuneration paid by Île-de-France Mobilités for its activities as infrastructure manager (metro, RER) and technical manager (Grand Paris)
- on the charging of security services applicable to operators

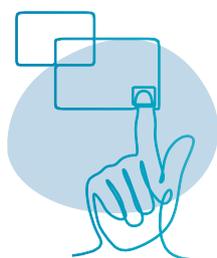


Sectoral reports (rail, coaches, motorways), half-yearly reports and summaries of public consultation.
Find the main publications on

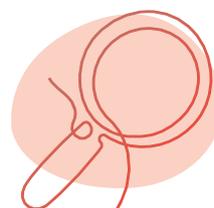
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**LE TRI
+ FACILE**



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