Commuting sector: the Autorité clears the creation by the RATP and TotalEnergies of a joint venture

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Background

RATP Smart Systems and TotalEnergies Marketing France notified the *Autorité de la concurrence* of their plan to create a joint venture that will develop and market, to public- and private-sector companies, an employee commute management service. Following an examination of the effects of the transaction on the markets concerned, the *Autorité* has cleared the transaction without conditions.

The parties to the transaction

RATP Smart Systems (RSS) is a subsidiary of the Parisian Autonomous Transport Administration (*Régie autonome des transports parisiens* – RATP), a public industrial and commercial body (*établissement public à caractère industriel et commercial* – EPIC) that operates passenger transport services mainly in France and has a monopoly in the Île-de-France region for the operation of several modes of transport, including metros, trams and buses in Paris and the inner suburbs. RSS specialises in smart transport systems and the development of mobility assistance services in France and abroad. In particular, RSS offers a route comparison service, real-time traffic information and satellite geo-positioning (GPS) in France with the Mappy application, as well as a multimodal digital service in the Île-de-France region with the Bonjour RATP application,

where the company also distributes part of the catalogue of transport tickets offered by Île-de-France Mobilités (IDFM).

TotalEnergies Marketing France (TEMF) is wholly-owned by TotalEnergies SE, the parent company of the TotalEnergies group. TotalEnergies is an international group that produces and markets energies: oil and biofuels, natural gas and green gas, renewable energies and electricity. TEMF markets products and services for mobility and the home in mainland France. In particular, the company sells business fuel cards to companies to pay for their employees' commuting costs (notably, fuel and electric charging).

The **future joint venture** will offer, to public- and private-sector companies, a service for managing their employee commute policy. The service will include a mobility card, in the form of a bank card linked to the Mastercard network, which employees will be able to use to pay for their commuting costs directly (fuel, electric charging, public transport passes, bike hire, etc.). The card will be linked to a special application (itself linked to the Mappy application), where employees will be able track their budget and all spending with their mobility card. In addition, employers will have access to a management portal where they will be able to manage their employees' mobility cards and approve expenses.

The *Autorité* defined the market for the provision of payment and management solutions for commuting costs

The future joint venture will operate in an emerging market that is still taking shape in the commuting sector, which currently comprises small players (in particular, start-ups) as well as subsidiaries of large groups, notably from the meal vouchers sector. As the market had not yet been analysed as part of any decisions taken at French or European level, the *Autorité* consulted several companies offering similar services to the future joint venture before defining the market.

The *Autorité* ruled out any risk of harm to competition in the markets concerned

As employees will be able to use the mobility card to pay for products and services marketed respectively by the RATP and TotalEnergies groups (fuel, electric charging, public transport, etc.), the ***Autorité*** examined the non-horizontal effects of the transaction that could arise from any foreclosure strategies between those markets and that of the future joint venture.

At the end of its analysis, the ***Autorité*** ruled out any risk of foreclosure for competitors, both on the market for the provision of payment and management solutions for commuting costs and on related markets in which the parent companies operate.

The investigation conducted by the ***Autorité*** showed that neither of the parties to the transaction would have the ability or incentive to prevent or impair the use of any competitor cards to the future joint venture's mobility card for the purchase of goods and services sold by the TotalEnergies and RATP groups or, inversely, to prevent or impair the use of the future joint venture's mobility card for the purchase of mobility services or products from the parent companies' competitors.

In addition, the ***Autorité*** analysed the risk of a bundled sales strategy between the business fuel cards currently marked by TotalEnergies and the future mobility card, but concluded that such a strategy would be unlikely to affect competition, in particular because it could be easily counteracted by the competition exerted by major players already present in the employee benefits sector (meal vouchers, service-employment vouchers, etc.)

Lastly, the ***Autorité*** also ruled out any risk of the future joint venture having special access to certain data on purchases of public transport tickets and passes held by the RATP as part of its operations and which could be used to

simplify – or even automate – the process of verifying public transport spending. The RATP indicated that it is contractually bound by a strict obligation of confidentiality that prohibits it from disclosing any customer data obtained in its role of selling transport tickets.

At the end of its competitive analysis, the *Autorité* therefore cleared the transaction without conditions.

DECISION 24-DCC-235 OF 8 NOVEMBER 2024

on the creation of a joint venture by TotalEnergies Marketing France and RATP Smart Systems

See the full text of the decision (in French)

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