29 September 2010: Greater Paris: calls for competition concerning the realization of the public transport network

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The *Autorité de la concurrence* recommends a very strict application of the exceptional legal provisions concerning the markets for engineering and delegation of project management

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The Syntec-Ingenierie professional association has concerns regarding the exceptional nature of the competition rules applicable to railway engineering and delegation of project management, that could allow the RATP, the SNCF and RFF to abuse of their dominant position.

Two articles of the law n° 2010-597 of 3 June 2010 relative to Greater Paris organize the provisions for the signing of contracts, while including, in certain cases, procedures overriding ordinary law:

- **Article 17** indicates that the public institution "Société du Grand Paris" (hereinafter the "SGP"), in charge of designing and carrying out the infrastructure projects for the network, can, for technical reasons having to do with essential security or interoperability reasons, or with the need for public service continuity, award contracts to the RATP, to the SNCF or to RFF using a negotiated procedure without any advertisement or open competition.

- **Article 18** allows the SGP to delegate the project management and stipulates that when the operation is of an urgent nature, the delegated project manager, i.e. the sponsor of the works, could itself provide the project management and assistance for the design and production of the works. However, in principle, such a combination of these two assignments is prohibited by the law of 1985 relative to public project ownership (hereinafter the "PPO" law).

The *Autorité de la concurrence* considers that the law can be implemented without resulting in serious competition restrictions, provided that the SGP strictly applies the provisions that deviate from competition principles and procedures.

> For more details, please consult the full text of the opinion 10-A-20 relative to the effects on competition rules of the exceptional legal provisions concerning the project of the realization of the public transport network of the Greter Paris