

# Contribution to the revision of Regulation 2021/782

→ Extension of the compulsory sale of through-tickets' - single tickets is a necessity to enable successful opening up to competition

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## 1. Introduction and summary

Directive 2012/34<sup>1</sup> defines a through ticket as "*a ticket or tickets representing a transport contract for successive railway services operated by one or more railway undertakings*".

Through tickets (also known as single tickets) allow passengers - thanks to the application of the provisions of Regulation (EU) 2021/782 on rail passengers' rights and obligations (hereafter "Regulation 2021/782") - to have a number of rights in the event of delay and/or missed connection: reimbursement and rerouting, compensation and assistance.

Since 1 January 2025, passenger rights in France have significantly improved for most passengers making connecting rail journeys thanks to:

- The application of the provision included in Regulation (EU) 2021/782 (Article 12(1)) relating to sales by "a sole railway undertaking": it requires railway groups to sell only through/single tickets when all the "legs" of a rail journey are provided by one or more of their subsidiaries.
- The quasi monopoly of SNCF in France.

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<sup>1</sup> Article 3, point 35

**However, the situation will change with the ongoing opening up to competition.** Once this opening up is finalised – and if the legal framework remains unchanged – many connecting passengers will no longer be covered by the protection offered by Regulation 2021/782.

After the opening up to competition, there will be an asymmetry between:

- Protection for passengers in the event of an SNCF/SNCF connection (sole railway undertaking);
- No protection in the case of a SNCF/third-party operator connection (multiple railway undertakings).

The reduction in passengers' rights is all the more regrettable that passengers do not individually choose their operator for regional and national public service trains (hereafter PSO trains). The operator choice is made by the transport organising authorities (PTA).

This asymmetry can lead to adverse effects, both on the passengers' side and the PTA's side. As a result, **this asymmetry appears at first glance to be incompatible with the objectives of opening up to competition set out in the fourth railway package**, whether for open access services (Directive 2012/34) or PSO trains (Regulation 1370/2007).

In order to:

- Protect passengers' rights
- Ensure that opening up to competition is not perceived by the public as detrimental to EU citizens
- Do not hinder the potential benefits of opening up the rail market to competition.

It is essential that, in parallel with the adoption of the Single Digital Booking and Ticketing Regulation and the Multimodal Digital Mobility Services Regulation, **European law extends the benefit of through-tickets' - single tickets to all rail passengers, regardless of the railway company or companies they have chosen.**

*Note: The analysis in this note focuses on the situation in France, but similar conclusions can be drawn for international travel throughout Europe for passengers travelling on routes covered by the Agreement on Journey Continuation (AJC) and Hop On the Next Available Train (HOTNAT) agreements between incumbent operators, but who would no longer benefit from such agreements if they chose a new operator.*

## 2. Situation in France since 1 January 2025: significant improvement in passenger rights

Regulation 2021/782 gave Member States until 7 June 2028<sup>2</sup> to apply the provision of its Article 12(1), which requires companies belonging to the same group to sell exclusively through-tickets' - single tickets when all the "legs" of a rail journey are provided by one or more subsidiaries of this group. French law has decided to apply this provision from 1 January 2025<sup>3</sup>.

French law has decided not to require operators to apply the provisions of Articles 18, 19 and 20 of Regulation 2021/782 for regional journeys (TER<sup>4</sup>) without connections (refunds and rerouting, compensation, assistance).

In France, until the summer of 2025, SNCF - as a group company - had a *de facto* monopoly on passenger rail transport:

- For open access services, only two other rail companies were active:
  - Trenitalia on the high-speed route Paris-Lyon-Chambéry-Modane-Milan.
  - Renfe on the high-speed routes Marseille-Madrid and Lyon-Barcelona.
- SNCF still had a monopoly on regional trains: the first competitor, Transdev, only began operating in the summer of 2025 on the Marseille-Nice route.

Because of that, since 1 January 2025, passengers connecting between SNCF's TGV/TER, between TET<sup>5</sup> /TER or between Ouigo<sup>6</sup>/TER are protected<sup>7</sup> in the event of a missed connection. Therefore, they benefit from the application of Articles 18, 19 and 20 of the Regulation 2021/782.

The automatic sale of a through/single tickets for journeys entirely provided by a single railway group is a very significant improvement for passenger rights in France compared to the previous situation. Before 1 January 2025, SNCF did not take responsibility for passengers (rerouting, meals

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<sup>2</sup> Article 2(8), third paragraph

<sup>3</sup> See Article 35 IV of the Loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation au droit de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture. This article adds the following sentence to Article L2151-2 of the Transport Code as of 1 January 2025: "Where a through ticket includes a connection with [a service] pursuant to Article 12 of the same Regulation, paragraphs 1, 2 and 4 to 7 of Article 18 of the said Regulation and Articles 19 and 20 of the same Regulation shall also apply to it."

<sup>4</sup> Transport Express Régionaux (Regional Express Transport), in this note, this acronym refers to regional trains under contract with the Regions.

<sup>5</sup> Trains d'Équilibre du Territoire. These are public service trains, non-high-speed mainline trains, contracted by the State.

<sup>6</sup> Ouigo is the low-cost offer from SNCF either for high speed or regular speed services.

<sup>7</sup> Provided that the entire journey has been purchased in a single transaction ("as part of a single commercial transaction", Article 12, (3)).

and refreshments, accommodation...) and did not compensate them in the event of a missed connection between two trains from different subsidiaries (e.g., between TER and TGV)<sup>8</sup>.

Until summer 2025, the situation can be summarised as follows:

		Application of Articles 18, 19 and 20 of Regulation 2021/782
Journey without connection	TER	No
	TET or Open access trains	Yes
Journey with connection	TER+ TER	Yes
	TER + TGV-SNCF/Ouigo/TET	Yes
	TER or TET + Frecciarossa by Trenitalia or AVE by Renfe	No

Table 1: Summary of passenger rights in France until June 2025

### 3. Situation after opening up to competition

The number of operators in the passenger rail transport market should increase in the coming years:

- With the obligation for PTA to award their PSO contracts through competitive tendering from 24 December 2023, operators competing with SNCF are expected to gradually win "lots." The rail company Transdev has already won two lots: Nice-Marseille (in operation since 29 June 2025) and Nancy-Contrexéville (scheduled to start operating in December 2027).
- Competitors in the open access market have announced their intention to either enter the market (Le Train, Kevin Speed, Velvet-Proxima) or expand their current offer. Trenitalia starts operating Paris-Marseille on the 15<sup>th</sup> of June 2025. Renfe has repeatedly announced its intention to expand its offering to Toulouse and Paris.

It should be noted that the new open access entrants - Trenitalia, Proxima-Velvet, Kevin Speed - do not belong to the same companies as those most active in the market for PSO tenders, whether regional (TER) or national (TET) -Transdev and RATP Dev. Only Le Train and, to a lesser

<sup>8</sup> See "Convention collective des Voyageurs", Trans-Missions for FNAUT [https://www.fnaut.fr/uploads/2023/05/2023-05-15-Convention-Collective-Rapport-VF\\_-1.pdf](https://www.fnaut.fr/uploads/2023/05/2023-05-15-Convention-Collective-Rapport-VF_-1.pdf) (chapter 5, p.80 et seq.).

extent, Renfe have announced their intention to operate (or are operating) open access services while responding to PSO tenders.

		Application of Articles 18, 19 and 20 of Regulation 2021/782
Journey without connections	TER	No
	TET or Open access	Yes
Journey with connection	SNCF TER + SNCF TER or SNCF TET	Yes
	TER SNCF + TGV-SNCF/Ouigo	Yes
	TER third-party operator + TGV-SNCF/Ouigo	No
	TER third-party operator + TET SNCF	No
	TET third-party operator + TER	No
	TER SNCF + third-party open access operator (Renfe, Trenitalia, Velvet, Kevin Speed, Le Train, etc.)	No

Table 2: Summary of passenger rights in France after opening up the market to competition

## 4. Conclusion: incompatibility between Regulation 2021/782 and the opening up to competition

A comparison of Tables 1 and 2 shows that opening up to competition will unravel passenger rights. In many cases, passengers will no longer benefit from the protection offered by Articles 18, 19 and 20 of Regulation 2021/782:

- When the PTA organising the PSO trains connecting with their TGV has chosen an operator other than SNCF after a competitive tendering process.
- When the operator of the open access service with the timetable and fare that suits them does not belong to the SNCF group.

To guard against this risk, stakeholders could develop strategic behaviours:

- For **passengers**, avoid booking an open access service managed by an operator that does not belong to the SNCF group, at least as long as the SNCF group retains a dominant position in France for TER activities. For example, this could lead a passenger to favour SNCF-TGV on a Paris-Lyon route and to avoid Trenitalia's Frecciarossa if he or she is travelling from Roanne to Lyon on a TER (SNCF is still the operator of the Roanne-Lyon TER service and will remain so for several years to come).
- For a **PTA that needs to choose a service provider for a TER line connecting with an SNCF-TGV**, to favor an SNCF subsidiary in order to guarantee its citizens the benefit of Regulation 2021/782 in the event of a missed connection<sup>9</sup>.

As the law currently stands, these strategic behaviours could lead to a peculiar outcome: a policy advocated by the European Union (protecting rail passengers rights) coming directly into conflict with another policy advocated by the European Union (opening up the rail sector to competition). The provision in Regulation 2021/782 on the mandatory sale of through/single tickets by a sole railway undertaking gives *de facto* the incumbent operator an unfair competitive advantage that could slow down the entry of competitors into the market.

In order to avoid slowing down the opening up of the market to competition and reducing the expected benefits (increase in the number of trains, lower prices for passengers or PTA, improvement in quality, etc.) and to improve passenger rights, it is essential that, in parallel with the adoption of the Single Digital Booking and Ticketing Regulation and the Multimodal Digital Mobility Services Regulation, **European law extends the benefit of single tickets/through tickets to all rail passengers, regardless of the railway undertaking(s) they have chosen.**

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<sup>9</sup> It should be noted that PTA may include provisions in their public service contracts requiring their TER operator to accommodate passengers arriving on a delayed TGV. However, they cannot force the TGV operator to accept TER passengers in the event of a TER delay. The relationship is all the more unfair given that TGVs require compulsory reservations, unlike TERs.