

Advisory action: requests for an opinion in the context of growing public action as regards the transition

The green transition prioritised by the French government and parliament has prompted the **adoption of new regulatory frameworks** in various sectors. In this context, and pursuant to [Article L. 462-1](#) of the French Commercial Code (*Code de commerce*), the *Autorité* may be asked to consider draft bills that present sustainable development considerations in interaction with competition issues.

For example, in 2021, the *Autorité* was asked to give its opinion on the criteria for allocating contracts for the collection, transport and regeneration of used oils as part of the implementation of a new extended producer responsibility (EPR) scheme for mineral or synthetic lubricating or industrial oils.

In particular, the *Autorité* considered that the proposed criteria were not relevant given the historical structure of the market and existing competitive pressures. The recommendation made by the *Autorité* to this effect ([Opinion 21-A-13 of 11 October 2021](#)) was followed, and the Ministerial Order of 27 October 2021 does not therefore contain these criteria.

In 2023, the *Autorité*'s advisory action focused in particular on land passenger transport and the electric vehicle charging stations sector. In November 2023, the *Autorité* published its opinion on the competitive functioning of the land passenger transport sector. The investigation showed that opening up to competition can accelerate the ecological transition of transport. The introduction of environmental criteria in calls for tender issued by mobility organising authorities can encourage players to intensify their innovation. For example, in a call for tender, the Hauts-de-France region selected a carrier that made an ambitious ecological proposal (80% of the fleet "greened"). From 23 August 2026, it will be mandatory to include at least one environmental criterion in the award criteria for public procurement contracts.

Given their importance, sustainable development objectives and the intermodality that contributes to them could be more clearly integrated into the missions of the sector-specific regulator, the French transport regulatory authority (*Autorité de régulation des transports* – ART), by introducing a more explicit legal basis. With this in mind, the *Autorité* recommended that the legislator amend the French Transport Code (*Code des transports*) to ensure that the ART's missions are consistent with the overall objectives of France's transport policy, which include environmental protection and regional development.

In 2024, the *Autorité* also decided to start inquiries *ex officio* to analyse the competitive functioning of the product rating systems sector, which aims to provide consumers with information on the sustainability-related characteristics of consumer products and services.