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Dear Mattias and Jason

Approval of the eighth supplemental agreement to the track access contract between HS1 Limited and Eurostar International Limited

The Office of Rail and Road (ORR) has today approved the eighth supplemental agreement to the track access contract dated 14 August 2009 between HS1 Limited (HS1) and Eurostar International Limited (Eurostar) (jointly the parties), submitted to us formally on 30 July 2024 under The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (the 2016 Regulations). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.

Purpose of the agreement

The current Eurostar track access contract is due to expire on 16 August 2024. This supplemental agreement extends the current contract for a 6-month period to 16 February 2025. During this 6-month period HS1 Ltd and Eurostar will discuss renewing the contract for a further 5-year period into 2030.

As part of the supplemental agreement the parties have updated the access rights position to reflect more accurately the services which Eurostar is currently running, and this has resulted in the removal of rights associated with the Marne Le Vallee, Ski and Provence service groups.



The supplemental agreement also makes a number of administrative changes to the contract to reflect, for example, recent changes to the registered office addresses.

Consultation

A pre-application consultation was carried out by HS1 in line with the process set out in the HS1 Criteria and Procedures document (“the C&Ps”). No issues or objections were raised by any consultee.

The consultation carried out was for a five-year extension of the contract, to August 2029. Following consultation, the parties applied for only a 6-month contract extension, confirming to us that “matters have arisen between the parties during the course of the consultation that have meant we are only applying to extend for a 6-month period at this time”. HS1 Ltd and Eurostar plan to discuss renewing the contract for a further 5-year period reaching into 2030 once this supplemental agreement (giving a 6-month extension) is entered into. We agreed with the parties that a reduction in the extension period did not require re-consultation on this application. Any further application for extension would have to go through the usual industry consultation process.

ORR review

Our review of the application raised no operational, performance or economic concerns.

We noted to the parties that the application was only submitted to ORR four weeks in advance of approval being needed. The C&Ps advise parties that to allow time for our full consideration we would expect our review of straightforward applications to take six weeks, or twelve weeks for complex or contentious applications. We encourage the parties to expedite their discussions on any further extension of the contract so that it can be submitted to ORR in good time.

ORR’s conclusions

Pursuant to Regulation 28(1) of the Regulations, in considering the application and in reaching our decision, we are required to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Railways Act 1993 (as amended). Approval of this application is consistent with these duties; in particular our duties to:

- protect the interests of users of rail services;
- promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;



- contribute to the development of an integrated system of transport of passengers and goods;
- promote competition in the provision of railway services; and
- enable persons providing railway service to plan the future of their businesses with a reasonable degree of assurance.

Conformed copy of the track access contract, public register and administration

Pursuant to paragraph 3.75 of the C&Ps, HS1 is required to produce a conformed copy of the track access agreement within 28 days of any amendment being made, and to send a copy to ORR. I look forward to receiving the conformed copy.

We will place a copy of the supplemental agreement on our public register. The parties have not asked us to make any redactions prior to placing it on the public register. Copies of this letter and the agreement will also be placed on the ORR website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Reed', is positioned below the text 'Yours sincerely'.

David Reed