



Application to the Office of Rail and Road for a depot access contract, or amendment to a depot access contract under Section 17 or 22A of the Railways Act 1993

This form should be used to apply to the Office of Rail and Road (ORR) for:

- directions under section 17 of the Railways Act 1993 (the Act) for a new depot access contract. Section 17 allows those seeking the right to use a railway facility to apply to ORR direct access if they have failed (for whatever reason) to reach agreement with the facility owner; or
- directions under section 22A of the Railways Act 1993 for an amendment to an existing depot access contract. Section 22A allows anyone seeking an amendment to an existing depot access contract, which allows more extensive use, to apply for a compulsory amendment if they are not able (for whatever reason) to reach agreement with the facility owner.

The form sets out the ORR's standard information requirements for considering such applications.

It is very important that the application is made in good time and prospective applicants are strongly advised to read (and, if necessary, take advice on) the procedures which are laid out in the Act, (Section 17 and Schedule 4).

The Stations & Depots Team at the ORR will be happy to discuss prospective applications. Applicants are strongly encouraged to contact the Office at an early stage, preferably before making an application, to discuss their likely requirements.

The team can be contacted by email at StationsandDepots@orr.gov.uk.

A copy of ORR's model depot access contracts and amending agreements can be accessed electronically and downloaded via the ORR website [here](#).

1. The application

1.1 Name of depot(s) to which the application applies

Temple Mills International Depot (TMI)

1.2 Title of proposed access contract or amendment

Trenitalia France TMI Access Contract

1.3 Contact details (Company and named individuals for queries):

Company: *Trenitalia France*

Contact individual: [REDACTED]

Job title: *CEO and General Director*

Address: *185, Rue de Bercy, 75012 Paris, France*

Email: [REDACTED]@trenitalia.fr

Telephone number: [REDACTED]

1.4 Licence and railway safety case

Please state whether the applicant intends to use the depot or whether someone else will use the depot on their behalf.

Please state whether the proposed user of the depot (a) holds a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, and (b) has an accepted railway safety case under the Railways (Safety Case) Regulations 2000. If the answer to (a) or (b) is no, please state the point which that person has reached in their obtaining of the licence, exemption or railway safety case (as the case may be).

Trenitalia France intends to use the depot. Trenitalia France is a high-speed rail company operating in France and we are currently working on obtaining a valid train operating licence and safety certification before accessing the depot.

2. The proposed contract or amendment

2.1 Executive Summary

Please provide an executive summary of the proposed contract or amendment. This should cover the depot services, the commercial terms, and the applicant's reasons for seeking the contract in the terms proposed. The summary in this section should also explain (here or by cross-reference to the answers in the sections below):

- where there is an existing agreement in respect of the services in question, any differences between the existing agreement and the proposed contract;
- any aspects in which the proposed contract/amendment contains bespoke provisions departing from the published model depot access contract; and
- any material safety risks that have been identified arising from the proposed contract and the arrangements for their control and mitigation (by reference to the provisions of the operator's railway safety case and, so far as is possible, the safety case of the facility owner).

Regarding the compatibility between the depot facilities and the Trenitalia France rolling stock, our ETR1000 fleet complies with all TSIs, NTSNs and NTRs. We do not anticipate any technical compatibility issues with infrastructure but, with Hitachi, we will work to resolve any compatibility issues that may arise.

2.2 Terms not agreed with the facility owner

Please set out here those specific areas of the proposed contract/amendment which the applicant has not been able to agree with the facility owner, the reasons for the failure to agree and the reasons for seeking these provisions.

Trenitalia France sent to Eurostar its initial formal request for access to TMI on 24/02/2025. Eurostar wrote to Trenitalia France a response on 10/03/2025 in which they declined to engage on the basis that "Amongst other points, Eurostar has expressed in its representations concerns that the parallel conduct of section 17 and SFD processes will lead to duplication and wastage of time and cost and a likelihood of inconsistent and/or incompatible outcomes. Eurostar has, therefore, been seeking clarity from and engagement with ORR about the appropriate process(es) for considering access and continues to do so."

2.3 Departure from ORR's model depot access contract

Please set out here, with reasons, any areas where the drafting of the proposed contract or amendment omits, amends or adds to the ORR's published model depot access contract (as appropriate, cross-referencing to the answers below). Wherever the proposed contract contains a new process (e.g. a self-modification provision) the ORR will wish to see a flowchart illustrating that the process is robust, internally consistent and leaves no loose ends.

None

2.4 Duration of contract

Please indicate the commencement date sought for the proposed contract or amendment and provide justification for the proposed duration if appropriate.

10 years duration starting from 1st January 2028

3. The expression of access rights and the consumption of capacity

3.1 Benefits

Please set out what specific benefits will result from the proposed contract or amendment. In particular, please describe any new rights sought or significant changes in the facilities or services to be used, their benefits to passengers and any impact on existing beneficiaries.

Introduction of new international high speed services offering additional capacity and choice to the travelling public, improved connectivity, and decarbonation benefits.

3.2 Adequacy

Please set out to what extent and by what process (if any) the applicant has satisfied itself that the facilities and services required can be supplied at the depot in question.

The Temple Mills International depot was established specifically to serve the needs of international high speed trains operating to and from the UK.

3.3 Franchise obligations

Please indicate the extent to which the use of the depot in the proposed contract is necessary to fulfil obligations under a franchise agreement.

Not applicable (international open access services)

3.4 Public funding

Please indicate whether (and if so to what extent) the services in the proposed contract are subject to financial support from central or local government (other than the Secretary of State) and provide a point of contact at that body.

Not applicable (international open access services)

3.5 General guidance given by the Secretary of State and/or Scottish Ministers

Please state here any general guidance given by the Secretary of State or the Scottish Ministers considered relevant to this application and why.

Not applicable (international open access services)

4. Charges

Please indicate, and explain the reasons for, how the proposed charges were determined.

To be discussed in due course, on a fair and non-discriminatory basis.

5. Enhancement

5.1 Enhancement details

Where the proposed contract or amendment provides for the delivery of any depot enhancements, or the services in the proposed contract or amendment are predicated on any planned depot enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the depot change procedure in the depot access conditions (Part C) has been completed (where appropriate, by reference to submissions made under the ORR's enhancement reporting framework).

To be discussed in due course – no significant adaptations are expected to be required (or none at all)

5.2 Enhancement charges

Please confirm that the arrangements for the funding of any depot enhancements are consistent with the ORR's investment framework, and summarise the level and duration of payments, and the assumed rate of return.

To be discussed in due course – no significant adaptations are expected to be required (or none at all)

6. Other

6.1 Associated applications to the ORR

Please indicate whether this application is being made in parallel with, or relates to, any other current or proposed applications to the ORR (e.g. in respect of track, station or light maintenance depot access contracts or agreements).

None at present

6.2 Supporting information

Please indicate here any further justification or relevant information in support of the application, including a list and explanation of any other material being submitted (and supply copies with the application).

See attached application letter to Eurostar

6.3 Side letters and collateral agreements

Please confirm here that the whole of the proposed contract or amendment between the parties has been submitted with this application and that there are no side letters or other documents which qualify or otherwise affect the proposed access contract.

None at present

6.4 Confidentiality exclusions

Please indicate clearly any elements in the application and the proposed contract or amendment that the applicant would wish to exclude from wider consultation on the grounds of confidentiality specified in section 71(2) of the Railways Act 1993. Please provide a full justification for each instance by reference to those statutory grounds. Subject to its decision on such exclusions, it is the ORR's intention to publish this application and the proposed contract or amendment on the ORR website. (NB under the process established by Schedule 4 of the Railways Act 1993, the ORR is obliged to send a copy of the application **in full** to the facility owner).

Please consider all names and contact details as confidential and to be protected under GDPR. Also attached commercial correspondence is provided on a confidential basis, and not for publication.

7. Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993 (including section 17), makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed:

Date: March 28th 2025

Name (in caps):

Job title: CEO and General Director

For (company): Trenitalia France

8. Submission

8.1 What to send

You should submit your application form and any supporting documents in electronic format.

Please send by email a signed copy of this application form, a copy of the proposed draft contract or amending agreement, copies of any documents incorporated by reference (other than established standard industry codes or other instruments) and any other attachments, supporting documents or information.

Please supply these documents **in plain Microsoft Word format** (*i.e.* excluding any macros, auto-para or page numbering, or other auto-formatting).

8.2 Where to send

Please send your email and any supporting documents to
StationsandDepots@orr.gov.uk