

CEO

Ian Biggar  
Access Policy Advisor  
Office of Rail and Road

26 May 2025

By email only to: [stationsanddepots@orr.gov.uk](mailto:stationsanddepots@orr.gov.uk)

Dear Mr Biggar,

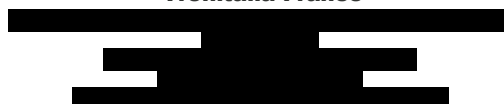
**Trenitalia France SAS - Application for directions under section 17 of the Railways Act 1993 at Temple Mills Depot – Written representations in response to initial representations made by Eurostar**

Thank you for your letter dated 15 May 2025, together with a copy of Eurostar International Limited's ("**Eurostar**") initial representations dated 9 May 2025 ("**Initial Representations**") in respect of Trenitalia France SAS's ("**Trenitalia France**") application for the ORR to issue directions under section 17 of the Railways Act 1993 ("**the Act**") to provide Trenitalia France with access to Temple Mills International depot ("**TMI**"). As requested in your letter, we set out below Trenitalia France's written representations in response to Eurostar's Initial Representations and confirm that there are no matters in this letter that Trenitalia France considers should not be published by the Office of Rail and Road ("**ORR**") on its website or disclosed in the copy of this letter provided to Eurostar.

- 1 Trenitalia France is an international train operating company that has all the necessary structures and competencies for obtaining the necessary approvals and consents to provide high speed passenger rail services in various countries throughout Europe. It has a proven track record of delivering high quality and fast connectivity within Italy and internationally and is part of the FS Group (including within Spain) which is the third largest railway company in Europe<sup>1</sup>. It is a well known and well-regarded brand and its aspirations to expand go far beyond the merely speculative. Trenitalia France has a well-defined plan for commencing rail passenger services between London and Paris from 2029, which will include around ten round trips per day. To achieve this, Trenitalia France has already been engaging with all relevant infrastructure managers (namely, SNCF Réseau, GetLink and London St Pancras Highspeed) and with suppliers of the required rolling stock (namely Hitachi Rail) since as early as 2019. Whilst Trenitalia France accepts that it will be required to obtain various approvals and consents to provide high speed passenger rail services in Great Britain, it clearly

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<sup>1</sup> [FS Group lands in Spain, with Frecciarossa making its maiden voyage today](#)



has the expertise, experience and robust starting point for doing so. Trenitalia France is supported by a large organisational structure through the FS Group and clearly has both the capacity, financial robustness and experience to operate its proposed service. It has proposed realistic and well-considered strategic plans for delivery of this new service which will provide choice to passengers<sup>2</sup>. Competition on the East Coast Main Line in Great Britain has shown that competition delivers real benefits for the passenger and competition in the international railway passenger market will deliver similar benefits.

- 2 In accordance with section 17 of the Act and the latest guidance issued by the ORR ("**ORR Guidance**"), our application for the ORR to issue directions to Eurostar was made on the basis that we were unable to agree an access agreement with Eurostar (as depot facility owner) in relation to TMI.<sup>3</sup> Whilst Eurostar has stated in paragraphs 3 and 4 of its Initial Representations that Trenitalia France's application is "premature" and that the ORR "is in no position" to make a direction under section 17 of the Act, Trenitalia France disagrees. Trenitalia France confirms that its application has been made in accordance with the latest ORR Guidance, which provides that TMI is a service facility regulated under the Act and that access to TMI is governed by the Act.<sup>4</sup>
- 3 Not only is TMI regulated under the Act, it is also clearly an essential facility for any future international operator between the UK and mainland Europe. It is currently the only reasonable location at which international rolling stock can be serviced and therefore forms an integral part of the business case for any further international operator seeking to launch operations to mainland Europe. This is potentially the reason why there are multiple applications under section 17 of the Act to secure access to TMI. As currently the only international passenger service operator from London St Pancras, Trenitalia France can appreciate why Eurostar is seeking to impose barriers to entry into the market to those other international operators, albeit considers such an approach to be inconsistent with the prevailing legal and regulatory environment<sup>5</sup>.
- 4 Trenitalia France refutes Eurostar's statement in paragraph 4 of its Initial Representations that Trenitalia France has not submitted a valid section 17 application. This is plainly not correct, and Trenitalia France disagrees with Eurostar's assertions that Trenitalia France's application is presumptive, premature or lacking in essential detail. Trenitalia France has recently announced its plans to launch a new high speed rail service connecting London and Paris with the aim of commencing such services in 2029<sup>6</sup>, and is committed to its plans to introduce this new service, having already launched Milan to Paris and Paris to Lyon Frecciarossa services in December 2021 and plans to provide these services between Paris to Marseille from June 2025. In order to build a business case for investing in the new service to London, it is plainly key to

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<sup>2</sup> Trenitalia notes paragraph 32(a) of Eurostar's written representations. If the ORR requires more detail on Trenitalia's plans to provide more detail or evidence, Trenitalia would be happy to provide this, noting that some of the material is considered to be commercially confidential and could not be provided to third parties. Further, Trenitalia notes the reference in the same paragraph to "primarily abstractive" and would observe that the ORR has confirmed that its "not primarily abstractive test" is used in the context of domestic rail passenger services – see paragraphs 25 and 26 of [ORR Guidance on the assessment of new international passenger services](#).

<sup>3</sup> [Guidance for international rail operators starting rail operations into Great Britain](#) (paragraph 6.15)

<sup>4</sup> [Guidance for international rail operators starting rail operations into Great Britain](#) (paragraphs 6.3 and 6.44(a))

<sup>5</sup> For example, Trenitalia notes the ORR's statutory duties under section 4 of the Act, including to promote the use of the railway network in Great Britain for the carriage of passengers and to promote competition in the provision of railway services. Trenitalia further notes the provisions of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 which are intended to facilitate competition in the rail market. Trenitalia also notes the ORR's role as a competition regulator, having concurrent jurisdiction with the Competition and Markets Authority in relation to the rail sector.

<sup>6</sup> [FS Group: plan to launch a new High-Speed link between London and Paris](#)

have clarity that essential components of service delivery are available (such as maintenance at TMI) before making such significant investments. Trenitalia France's application is therefore neither presumptive nor premature, and includes all relevant detail needed about the extent of access at TMI sought. In any event, in relation to access to TMI, the ORR has clearly expressed the basis of its jurisdiction and is considering access to the depot with multiple section 17 applications, including Trenitalia France's application. It is therefore clearly appropriate and in the public interest that Trenitalia France's application is considered concurrently with those other applications, and the ORR has engaged with all relevant parties accordingly. It is beyond doubt that Trenitalia France's application is valid and appropriate and is being treated as such accordingly by the ORR. Trenitalia France rejects the suggestion made in paragraph 33 of Eurostar's written representations that it would be irrational for the ORR to take forward Trenitalia France's application. It is both rational and indeed highly appropriate for the application to be considered, as appears to be acknowledged by Eurostar in paragraph 43 of its written representations.

- 5 Connected with this, Eurostar raises a point on compatibility, as well as access to HS1. Trenitalia France notes that it currently operates services on multiple high-speed lines between Paris and Milan, and the rolling stock used is compatible with those networks. Indeed, the Trans-European transport network (known as TEN-T) included HS1 when it was constructed and is an interoperable railway. Whilst Trenitalia France appreciates that compatibility testing will still be required, and access to HS1 is needed for access to TMI, it is confident that it will be able to operate modified versions of trains which are already operating on a functioning high speed rail network. Hitachi Rail has also confirmed to Trenitalia France that any additional changes required to ensure these trains comply with the requirements of the Channel Tunnel and are compatible with TMI will be made prior to commencement of passenger services in 2029. Eurostar's assertions are themselves speculative and Trenitalia France simply believes these are a distraction in the context of Trenitalia France's section 17 application.
- 6 Further, Trenitalia France completely disagrees with Eurostar's statement that the ORR's existing standard process for considering section 17 applications is not designed or suited for considering cross-border high speed passenger rail services and that the ORR's criteria needs to set out the process for dealing with bi-national and international approvals and consents. The section 17 applications relate to TMI which is exclusively within Great Britain and are accordingly within the ORR's jurisdiction under the Act. Whilst rolling stock maintained at TMI is used for the provision of international services, that does not form part of the legal test set out in the Act.
- 7 Trenitalia France's application for access to TMI is in connection with its plans to run rail passenger services between London and Paris (which are intended to connect into other services operated by Trenitalia France). As the ORR will appreciate, Eurostar also run services between London and Paris and therefore have a vested interest in establishing barriers to entry to the market, with the intention of precluding competition on this route. Trenitalia France's requested access to TMI will support those new services – and Eurostar currently uses TMI for its own services between London, Paris and other destinations. The situation is therefore entirely comparable to Eurostar's own depot access scenarios and those sought by the other applicants that are currently seeking access to TMI. Whilst Trenitalia France expresses no view on the comparability with other depot access scenarios on the mainline network, the process

for considering what at its core is the same issue (capacity and access) needs no special treatment. Eurostar's statement in paragraph 5 of its Initial Representations appears to be nothing more than an attempt to retain its monopoly of providing rail passenger services between London and Paris and having sole use of TMI for the purpose of maintaining its trains for such services.

- 8 Eurostar has stated in paragraph 14 of its Initial Representations that Trenitalia France has only submitted a section 17 application because Evolyn, VTE Holdings Ltd and Gemini TOC Ltd have done the same and that such is "regrettable". As noted above, Trenitalia France's application under section 17 of the Act has been made based on the latest ORR Guidance and due to the fact that it needs greater certainty as to the capacity available at TMI for the maintenance of its trains before it can finalise its business plans and commit to providing services between London and Paris. Trenitalia France carefully considered the timing of its section 17 application and that it decided to submit its application on account of the increased prospects of being able to run passenger services between London and Paris. In any event, it appears plainly reasonable that the ORR is asked to consider each of the requests made for access to TMI concurrently, so that it is able to make a decision based on all articulated aspirations at a point where there clearly is available capacity at the depot. Whilst therefore the timing of Trenitalia France's section 17 application was not directly connected with those other applications, Trenitalia France considers it to be helpful that it has done so, so that the core issues can be considered once by the ORR. With respect to Eurostar's statement that Trenitalia France's Access Process for TMI is "materially incomplete", whilst Trenitalia France agrees that its Access Process needs to be developed further, Trenitalia France believes it would be irrational to expect all of the details of the proposed access arrangements at TMI to be specified in detail at the point in time where an investment decision is predicated on obtaining that access in the first place (and therefore questions some of the points made by Eurostar in paragraphs 16 and 22 of its written representations). Trenitalia France has clearly set out the capacity it is seeking at TMI and those more specific details will be developed once it has more certainty over access and is able to make the investment decision. It is not appropriate for Trenitalia France to be required to have to finalise the particulars of its proposed access arrangements at TMI until the ORR has made a decision as to capacity and whether Trenitalia France will be granted access to TMI at all.
- 9 Trenitalia France further notes Eurostar's representations made in paragraph 7 of its letter which appear to suggest that the decision should be remitted back to the bilateral process of engagement, in part because of the timing of Trenitalia France's initial approach to Eurostar and its section 17 application. Trenitalia France notes that in a letter dated 10 March 2025, Eurostar itself notes the ongoing section 17 process with other applications (paragraph 4) and that "given the current lack of clarity about whether any capacity is available at TMI and how the [Service Facility Description for TMI] SFD processes are appropriately to be coordinated with the section 17 processes, there are parts of the SFD process that it would not be efficient to progress at this stage." (paragraph 6). Eurostar's own words therefore state that it would not be appropriate to progress certain elements of the access request to TMI with Trenitalia France and Eurostar's comments in paragraphs 12 and 15 of its letter must be considered in this context as it appears to be a way of seeking to deter Trenitalia France

from pursuing access to TMI. It is therefore entirely appropriate that Trenitalia France submitted its section 17 application at the point it chose to do so.

- 10 Eurostar has noted in paragraph 16(a) of its Initial Representations that there is "insufficient capacity" at TMI to meet all of Trenitalia France's stated requirements. Whilst Trenitalia France acknowledges that the ORR has separately instructed IPEX to conduct an analysis of the available capacity at TMI and that capacity at TMI may in fact be limited, it confirms that the current available capacity at TMI is sufficient for the initial phase of Trenitalia France's plans to run passenger services between London and Paris. Trenitalia France currently intends to gradually increase its services as passenger demand for its services increases, which Trenitalia France believes could be aligned with when additional capacity becomes available at TMI or elsewhere. The current capacity immediately available at TMI (as identified in IPEX's study) is reasonably expected to satisfy the capacity requirements of Trenitalia France's maintenance services for the purposes of providing services between London and Paris. Trenitalia France also has substantial experience in relation to the shared use of maintenance depots, with demonstrated expertise in complying with safety and operational rules and effectively interfacing with the operators of all the plants in Europe where it conducts maintenance on its trains. For example, in addition to the various depots that Trenitalia owns and operates in Italy, it also regularly conducts maintenance work in the warehouse operated by SNCF-V T.S.E.E. in Paris Gerland and in the Madrid.
- 11 Trenitalia France notes the claim made by Eurostar in paragraph 32(e) of its written representations relating to the provision of a draft contract. Whilst Trenitalia France accepts that no draft written contract has been provided, Trenitalia France recognises that a consistent approach to access to TMI should be adopted across all operators accessing the depot. In the absence of particular terms of access from Eurostar, Trenitalia France considers a contract on the ORR's model terms of access would be an appropriate model to adopt, as an established and accepted model for access to depots in Great Britain.
- 12 Eurostar has stated that Trenitalia France "has not demonstrated that its proposed rolling stock is technically compatible with the infrastructure at TMI". As noted above, Trenitalia France confirms that it has a study from its rolling stock supplier, Hitachi Rail, that the trains it has chosen will meet all of the requirements for TMI, including relevant track requirements. Trenitalia France has also already been engaging in ongoing discussions with key stakeholders, including London St Pancras Highspeed. Trenitalia France further notes that its business plans anticipate a start to services in 2029 and so it has four years to ensure that it will be in a position to comply with all requirements relating to the rail passenger services it is aiming to run between in Europe and the UK.

We understand that the ORR is currently undertaking what Trenitalia France considers to be an appropriate process of obtaining all relevant information for requested access to TMI, including in respect of Trenitalia France's respective section 17 application. Please let us know if the ORR requires anything further at this stage in order to consider Trenitalia France's section 17

application or any of the written representations made in this letter or any other previous correspondence between Trenitalia France, the ORR and Eurostar.

Yours sincerely,

Marco Caposciutti



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