

Office of Rail and Road
25 Cabot Square
London E14 4QZ

By email: StationsandDepots@orr.gov.uk

10 April 2025

Dear Office of Rail and Road

Various Applications for Directions Under Section 17 of the Railways Act 1993

- 1 Eurostar refers to ORR's emails (sent via ORR's Stations and Depots address) at 11:21 on 20 March 2025 and 11:37 on 4 April 2025, which responded to Eurostar's letter dated 13 March 2025. ORR's emails requested a response by 11 April 2025.
- 2 This letter:
 - (a) Explains the redactions proposed by Eurostar to paragraphs 4, 11 and 14 of its letter of 13 March.
 - (b) Responds to ORR's comment relating to Eurostar's comments in respect of risks associated with the parallel conduct of s.17 and SFD processes.
- 3 Eurostar adopts the defined terms used in its letter of 13 March.

Confidentiality

- 4 The redactions proposed by Eurostar in paragraphs 4, 11 and 14 of its letter of 13 March were proposed because Eurostar considered publication of that information would or might seriously and prejudicially affect the interests of Gemini TOC Ltd (**Gemini**) and Trenitalia France.
- 5 Ahead of sending the letter of 13 March, both Gemini and Trenitalia France had approached Eurostar in confidence about their interest in accessing TMI. Neither Gemini nor Trenitalia France had, at that time, submitted a s.17 application. Accordingly, Eurostar considered their interest in accessing TMI to be confidential.
- 6 Since 13 March, both Gemini and Trenitalia France have made s.17 applications. ORR has published Gemini's s.17 application and Gemini's interest in accessing TMI has been widely reported in the press. Although Trenitalia France's application has not yet been published (and Eurostar has not seen a copy), Eurostar understands that ORR intends to publish the application shortly and Trenitalia France's corporate group, Ferrovie dello Stato Italiane, released a press statement on 8 April 2025 publicising its interest in accessing TMI.
- 7 Accordingly, while Eurostar considers its redactions to its 13 March letter were correctly proposed, given subsequent developments, Eurostar now understands that no information in its letter of 13 March remains confidential within the meaning of s.71(2) of the Railways Act 1993.

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Sequencing of ORR's s.17 processes and the parallel conduct of SFD processes

- 8 Eurostar has explained in its previous correspondence (in addition to Eurostar's letter of 13 March, its letters dated 13 and 29 November 2024 and its first letter of 17 December 2024) that there is material risk that the uncoordinated parallel conduct of s.17 and SFD processes could lead to inconsistent and incompatible outcomes and significant wasted time and cost, including for applicants and Eurostar. Information and updates from any ORR s.17 processes inevitably would inform the conduct and potential outcomes of SFD processes, which Eurostar anticipates ORR would welcome in its regulatory role.
- 9 Eurostar has been seeking discussion with ORR about steps that could be taken that would avoid or mitigate duplication and the likelihood of inconsistent and/or incompatible outcomes. Eurostar continues to consider such engagement is prudent and necessary and therefore reiterates its requests for procedural clarity.
- 10 That engagement would not include the provision of guidance from ORR to Eurostar about how it should conduct its negotiations with applicants. It would, however, include the provision of reasonable and appropriate transparency about the process that ORR is conducting, including about:
- (a) the matters relevant to access that ORR is (or is not) considering or intends (or does not intend) to consider within its s.17 processes and further information or options that could be developed and/or considered in light of those matters; and
 - (b) the sequence and timeframes in which ORR will or intends to consider and make decisions in respect of those matters that it is considering or will consider.
- 11 That information is necessary to facilitate the appropriate coordination of processes, the reasonable and proportionate application of resources by all involved and mitigation of the risks that arise from the parallel conduct of separate processes. The provision of that transparency is also inherent to the conduct by ORR of an efficient and fair process.
- 12 In the meantime, as it has previously stated (for example in paragraph 14 of its letter of 13 March), Eurostar will continue to progress such work as can be efficiently and prudently progressed.

Matters to be excluded from publication

- 13 Eurostar is content, given developments since 13 March, for ORR to publish this letter and its letter of 13 March and/or provide copies to Evolyn, VTE, Gemini and Trenitalia France without redactions.

Eurostar hopes this letter is of assistance and would be grateful for the further clarity from ORR requested above.

Yours faithfully,



Gareth Williams

On behalf of Eurostar International Limited