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BY EMAIL ONLY

30 June 2025

Gareth Williams
General Secretary
Eurostar International Limited
6th Floor, Kings Place
90 York Way
London
N1 9AG

Dear Mr Williams

APPLICATIONS FOR DIRECTIONS BY GEMINI TOC LIMITED AND TRENITALIA FRANCE UNDER SECTION 17 OF THE RAILWAYS ACT 1993

1. In our letter dated 12 June 2025 we undertook to write to you separately regarding matters raised in your representations of 13 March 2025, 10 April 2025 and 9 May 2025¹. We are also now in a position to respond to your separate letters of 1 April 2025 and 9 May 2025² setting out Eurostar's initial written representations in respect of the applications for directions submitted by Gemini TOC Limited (Gemini) and Trenitalia France (Trenitalia) respectively.
2. This letter deals specifically with your initial representations on the applications for directions submitted by Gemini and Trenitalia, that is your letters of 1 April and 9 May 2025 respectively. We have written to you separately in response to your other letters as they have wider relevance to all of the applications.
3. We have carefully considered Eurostar's initial representations in respect of the applications for directions submitted by Gemini and by Trenitalia.
4. In our letter to you of 27 February 2025, ORR addressed various preliminary matters raised by Eurostar. We note that you have raised substantially the same matters in respect of the applications made by Gemini and by Trenitalia. ORR's position on those preliminary matters remains unchanged and ORR does not consider it necessary to repeat its position. Therefore, we invite Eurostar to refer to our [letter](#) of 27 February 2025 as setting out ORR's position regarding Eurostar's initial representations in respect of Gemini's and Trenitalia's applications.

¹ Received in your email of 9 May 2025 at 15.02 HRS

² Received in your email of 9 May 2025 at 15.44 HRS

5. One issue not addressed in ORR's letter of 27 February 2025 relates to a Memorandum of Understanding (MoU) apparently entered into by Trenitalia – paragraph 32(f) of your letter of 9 May 2025 refers. This information was reported in the media. We can confirm that we have asked Trenitalia to provide further information about the MoU; this includes details of any implications of the MoU on Trenitalia's application for directions for access to Temple Mills International depot.

Statutory requirement to provide a copy of the proposed access contract

6. In your letters of 1 April 2025 (paragraphs 25 and 30(d)) and 9 May 2025 (paragraphs 27 and 32(e)) you state it is a requirement under the Act that an applicant must provide a copy of the access contract it proposes should be directed. You further state that a failure to provide a copy of the proposed contract is a breach of this requirement in the Act.

7. ORR wishes to clarify that it is not a legal requirement in the Act for a copy of the proposed contract to be provided as part of a section 17 application. The requirement in Schedule 4 to the Act is that an applicant must specify the terms it proposes should be contained in the required contract. ORR considers that this requirement has been satisfied in respect of the applications submitted by Gemini and Trenitalia.

Guidance for international rail operators starting rail operations into Great Britain

8. In your letters of 1 April 2025 and 9 May 2025 (paragraphs 18 and 20 respectively) you reference paragraph 1.3 of ORR's [Guidance for international rail operators starting rail operations into Great Britain](#) (Guidance for international rail operators) as setting out matters that are "pre-requisites" to operating an international passenger service. In particular, you reference a valid train operating licence, a safety certificate and appropriately homologated rolling stock.

9. ORR has previously confirmed that it agrees with Eurostar that those matters referenced in paragraph 8 (as well as other matters) will need to be addressed and/or in place for international passenger services to operate. However, the list of requirements at paragraph 1.3 of our Guidance for international rail operators is in no particular order and no order of priority should be inferred. Importantly, there is nothing in legislation that stipulates the order in which these matters must be addressed. ORR does not consider that it is a pre-requisite for all of the necessary arrangements to be in place prior to consideration of an application under section 17 of the Act for access to TMI.

Next steps

10. We will copy this letter to Gemini and to Trenitalia and publish it on ORR's website in line with our usual processes.

11. If you have any questions in the meantime, please do not hesitate to contact me.

Yours sincerely

p.p. Ian Biggar