

Jonathan Rodgers
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Nicole Ledwith
Customer Relationship Executive
Network Rail
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Montfichet Road
London
E20 1EJ

Justin Cross
Head of Planning & Performance
Trenitalia c2c Limited
Floor Two, Cutlers Court
115 Houndsditch
London
EC3A 7BR

Dear Nicole and Justin

Approval of the Ninth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Trenitalia c2c Limited (c2c) (jointly, “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 5 April 2020 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains our decision.
2. The purpose of this agreement is to extend access rights for Saturday and Sunday services between Barking and Liverpool Street from the Subsidiary Change Date (SCD) 2020 to SCD 2021.
3. Network Rail undertook the usual industry consultation. MTR Crossrail had a query regarding Schedule 4 of the contract which was resolved by correspondence and no other concerns were raised.
4. Our review identified no issues and we are satisfied that approval is consistent with our statutory duties under Section 4 of the Railways Act 1993. We suggested some drafting changes which were taken into account in the formal submission.
5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, in particular those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage



of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

6. Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. Please send the conformed copy to me at ORR.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Rodgers', is positioned below the closing text. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jonathan Rodgers