

GUIDANCE DOCUMENT

for new entrants to the rail passenger transport market



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Issue



FOREWORD

Entering the market of rail passenger transport services is a lengthy and complex process, during which any number of technical, economic or administrative barriers may potentially arise.

The French Transport Regulatory Authority (ART) has launched a number of actions reaching out to the industry in order to help new operators enter the market of rail passenger transport services and to limit tariff and non-tariff-related barriers that potentially face future applicants. One such barrier applies to information, i.e. imbalanced information, since new entrant players hold less intelligence than those already present on the market, particularly intelligence about applicable procedures and best practices to follow in order to efficaciously construct transport services.

To help limit the risks intrinsic to the entry of new players, the publication of this guidance document by the Authority is in line with the continued support ART brings to the industry, as domestic rail passenger transport services open up to competition. This guidance is essentially designed for potential new market entrants. It aims at targeting a number of key issues related to rail industry regulations.



A WORD FROM THE PRESIDENT OF ART

Opening up the markets for rail passenger transport services to competition, although theoretical and even hypothetical until not so long ago, is now upon us, with its specificities becoming plainly visible. There was no radical overnight change when the opening to competition became a fact. However, based on our understanding of experiences by foreign entities, and on the technical and economic issues raised by the confirmed or potential arrival of new entrants, we appreciate the scope of what is at stake, i.e. the challenges, tasks, obstacles and uncertainties that characterise the rail industry in France at this crucial stage in its history.

This opening up to competition is not an end in itself. It is one of the ways to stimulate the rail transport industry, prompting all stakeholders who take part in the production of rail transport services, to supply these services efficiently and with efficacy. It will benefit passengers and clients of these services by offering quality transport to both users of public service rail transport operators – PSOs (TERs, Transiliens or InterCity trains known as TETs*) and customers of non-PSO services (high speed lines or conventional line services).

A successful opening up to competition also affords all players who have the possibility of offering rail transport services, an access to well-functioning rail service infrastructures and facilities, doing so in transparent, fair and non-discriminatory conditions, at an access rate that will allow them to conduct their business under normal economic conditions.

Given this context, it appeared important that the Authority produce this detailed guidance for all stakeholders of the rail industry. Although this document is aimed more specifically at new players appearing on the French market, it should also prove useful to all the players already established.

For the first time, this guidance document will offer all professionals of the rail industry, comprehensive and detailed guidance on all regulation themes that ART has identified as important for the launching of a new rail service.

Bernard Roman

President of ART – the French Transport Regulatory Authority

A/ THE FIRST STEPS **p.4**

- 1.** Why this guidance document? p.4
- 2.** How to use this guidance document? p.5
- 3.** Caveats p.5
- 4.** Glossary p.6

B/ ESSENTIAL PROCESSES REQUIRED TO SET UP AN ECONOMICALLY INDEPENDENT (NON-PSO) RAIL PASSENGER SERVICE **p.7**

- 1.** Applying for capacity p.8
- 2.** Operational traffic management (GOC) p.14
- 3.** Charging principles applicable to minimum services when using the infrastructure p.17
- 4.** Specific steps for the supply of non-public service obligation rail passenger transport services, i.e. non-PSO services p.22
- 5.** Access to service facilities p.24
- 6.** Use of passenger stations p.28
- 7.** Sidings for marshalling, shunting and stabling trains p.36
- 8.** Accessing rolling stock maintenance facilities p.40
- 9.** Procedure for rolling stock access p.45

C/ THE ROLE OF ART — *AUTORITÉ DE REGULATION DES TRANSPORTS* (THE FRENCH TRANSPORT REGULATORY AUTHORITY) — AND REFERRAL PROCEDURES **p.48**

D/ WHO'S WHO **p.53**

E/ REFERENCES TO RULES AND REGULATIONS **p.54**

A / THE FIRST STEPS

1. Why this guidance document?

In June 2019, the transposition into French law, of the “policy and technical pillars” of the 4th Railway Package led to a finalisation of the legal framework for the opening up to competition of railway transport in France. This Single European Railway Area calls for the enforcement of new access rules for companies entering the rail passenger transport market, and for new rules to run the system.

In order to guarantee fair access to the French National Railway Network (RFN) to all operators, the French Transport Regulatory Authority (ART, formerly ARAFER) has set as one of its objectives, to support the railway industry as the market opens. The themes discussed in this document are guidance for every applicant, including those who already run an operation on the French National Railway Network: railway undertakings, international groupings of railway undertakings, or any other entity wishing to acquire infrastructure capacity for commercial purposes to enable them to set up a passenger transport service on the French National Railway Network, for which the main infrastructure manager is SNCF Réseau.

The drawing up of this guidance has as its main objective, reducing any asymmetry in the intelligence held by incumbent players vs. new entrants to the market. Such imbalance indeed strongly jeopardizes any effectiveness in setting up processes to create a new passenger transport service on the French RFN. This guidance, dedicated to new entrants, discusses the following:

- The main steps to be undertaken to implement a rail passenger transport project.
- Those sensitive issues identified by ART and the issues which arise at each step.
- The keys to understanding complex procedures.
- The internet links to official information sources for each step of the process.

This first edition of the guidance document focuses mostly on themes related to the production of non-public passenger transport services, also known as independent rail passenger transport services (or “non-PSO” companies/non-Public Service Obligation companies). The guidance document will be updated periodically and, depending on the timeliness of specific themes, will outline technical and legal changes and expand its scope to encompass other railway transport activities such as international freight transport or the railway transport of passengers under Public Service Obligation (PSO) contracts.

For further information in French

The evolution of Railway Packages – from Railway Package 1 to Railway Package 4

<https://www.ecologie.gouv.fr/ouverture-concurrence-du-transport-ferroviaire-paquets-ferroviaires-et-creation-larafer>

<https://www.autorite-transport.fr/le-ferroviaire/le-cadre-juridique/les-paquets-ferroviaires/>



2. How to use this guidance document?

This guidance document will show the chronological and thematic order to follow when setting up a new economically independent (non-PSO) passenger service running on the RFN. The main steps of this process are identified in 9 dedicated themed sections, presented under Chapter B of this document. Each section in turn refers to a description of the relevant step of the process, the major formalities to accomplish, and the potential parties to contact. Each section also deals with the issues underlying the various themes, offers references to the regulatory documents, particularly the Rail Network Statement (NS) and ancillary technical documents published by SNCF Réseau. It discusses applicable regulations (European and domestic) as well as the available information systems and the national and European institutional bodies in charge of the various issues. It also offers references to the official sources of information available.

The guidance document concludes by presenting the role of ART and of the industry's institutional counterparts. It also presents a list of all the references to rules and regulations mentioned throughout the document.

For ease of reading, different subject areas have been included throughout the document. In addition to usual guidance information, this document also offers:



3. Caveats

We wish to draw attention to three major points:

- First, please note that this guidance document cannot be construed in any way as having a normative value. It claims no comprehensiveness and can therefore not be substituted for a careful reading of the current legislative and regulatory texts, including the NS which contains information to be used by railway undertakings and other applicants wishing to use the French RFN to operate rail passenger and freight transport services. More generally, this document targets all parties interested in rail transport. It also targets the issues that are central to ART's missions and that are closely monitored and/or the subject of comments made by the railway industry.
- Second, this guidance document focuses primarily on infrastructure managed by SNCF Réseau and related procedures, in spite of the fact that special cases may also exist on the RFN, particularly concerning the management of infrastructure under a concession agreement.
- Third, the Authority warns that a number of elements are likely to change, in particular issues relating to tariffs, without any guarantee on ART's part that there will be a timely update of this document in real time.

4. Glossary

| | |
|--------------------|--|
| ACO | Authorisation to Commercially Operate |
| AM | Authorization to place on the market |
| ART | French Transport Regulatory Authority (formerly Arafer) |
| CDI | Cost Directly Incurred |
| CL | Conventional line/route |
| COOPERE | Network Operators' Committee |
| DeBo | Designated Body |
| ECE (formerly ECM) | Entity in charge of maintenance |
| EET | Economic Equilibrium Test |
| ExN | Expression of needs |
| EPSF | French Public Establishment of Rail Safety, acting as French NSA |
| ERA | European Union Agency for Railways |
| ERATV | European Register of authorized types of vehicles |
| GGEF | Station Access Point for railway undertakings |
| GOC | Operational Traffic Management |
| HS train | High Speed train |
| IM | Infrastructure Manager |
| IS | Information System |
| MOA | Mobility Organising Authority |
| MU | Multiple Unit |
| NCC | Network Command Centre |
| NoBo | Notified Body |
| Non-PSO | Non-public service obligation rail transport services |
| NS | Rail Network Statement |
| NS for SEA HSL | Rail Network Statement for the South Europe Atlantic dedicated high-speed line |
| NSA | National Safety Authority (in France, this would be EPSF) |
| PTA | Public Transport Authority |
| PS | Performance Scheme |
| PSC | Public Service Contract |
| PSEF | Service platform dedicated to railway undertakings |
| RC | Running charge |
| RCE | Electric running charge |
| RCTE | Charge for transmission and distribution of electric power |
| RFN | French National Rail Network |
| RINF | French National Register of Railway Infrastructure |
| RM | Market charge |
| RNV | French National Vehicle Register (matriculation registry) |
| RS | Congestion charge |
| RU | Railway undertaking |
| SEA HSL | South Europe Atlantic dedicated high-speed line |
| SDM | Last-minute train path |
| SGC | Department for Traffic Management |
| SF | Service facilities |
| SFM | Service Facility Manager |
| SFO | Service Facility Operator (or Service Facility Manager) |
| SU | Simple Unit |
| TER | Regional Express Railway Lines |
| TET | InterCity Express trains |
| Transilien | Suburban Railway Services (Greater Paris Region) |
| TSI | Technical Specification for Interoperability |
| TT | Working Timetable |

B/ ESSENTIAL PROCESSES REQUIRED TO SET UP AN ECONOMICALLY INDEPENDENT (NON-PSO) RAIL PASSENGER SERVICE

An entire chain of actions is required to create a commercial passenger train service, from initial exploration to active commercial service, including all intermediary technical needs and issues related to train maintenance and access to service facilities. This chain of actions is summarized by the timeline below:

| <div>Up to Y-5</div> <div>Y-1</div> <div>D</div> | Phases | Themes presented in this Guidance document | Guidance sections |
|--|---|--|-------------------------------|
| | Capacity allocation | Working timetable (TT) structuration into a clockface schedule. Pre-construction of TT for a standard day. | B.1 |
| | Cost assessment | Pricing for minimum services and charging framework. Pricing for service facilities (SF): maintenance centres, passenger stations, service sidings and stabling tracks, refuelling areas. | B.3 B.4 B.5 B.6 B.7 B.8 |
| | Allocation of train paths | Working timetable (TT) construction. TT adaptation. | B.1 |
| | Construction of a transport plan | Access and terms & conditions for services in passenger stations, in maintenance centres and in other service facilities. | B.5 B.6 B.7 B.8 |
| | Rolling stock Access | Authorization by type. Authorisation to place on the market. Rolling stock compatibility with infrastructure. | B.9 |
| | Operational management of train movements | Statement of Train composition. Priority rules applicable to train movements. Train delay analysis. Crisis management. | B.2 |

Accessing the French national rail network is conditional upon the signing of a number of contracts with SNCF Réseau, in particular the RFN infrastructure usage contract. On this matter, ART refers you to the NS drawn up and published by SNCF Réseau. Items 1.8.1 and 1.8.2 of the 2021 NS and items 1.6.1 and 1.6.2 of the 2022 NS both list all the SNCF Réseau commercial contact details for account managers in charge of assisting customers in the formalities.

1. Applying for capacity

➔ How to proceed when applying for commercial capacity? Which vital checkpoints should be monitored to obtain the targeted train paths?

This section describes the current procedure to obtain capacity as per SNCF Réseau requirements outlined in chapter 4 of the NS.

This procedure may evolve depending on the decisions made under the TTR programme led by Rail Net Europe.

The 4-phase capacity application procedure

In this guidance document, the 4 phases of a capacity application procedure refer to the logical and functional sequencing of these phases, with no factoring of any timeline. Phases are to be considered and defined based on a calendar and the applicant may see them as overlapping.

| Timeline | 1 | 2 | 3 | 4 |
|-------------------|--|---|--|---|
| Calendar | Y-5 Y-3 | May Y-2 | Dec. Y-2 Feb. Y-1 | Sept. Y-1 Nov. Y-1 Dec. Y |
| Phases | Design | Pre-construction | Construction | Adaptation |
| Standard capacity | Clockface scheduled paths per day | Daily or weekly regime-regulated paths | Yearly regime-regulated or individual paths | Regime-regulated paths and individual paths |
| Status | Baseline commercial offer without allocation to applicants | | Formal allocation to applicants of the capacity of the trains to run | |
| Core principle | Network clockface schedules. In case of incompatibility: → Coordination → Arbitration | Offer for a standard working day. In case of incompatibility: → Coordination → Arbitration | Fair allocation. In case of conflict: → Coordination → Congestion | Remaining capacity allocation. In case of conflict: → 1 st come = 1 st served |



What is a "regime-regulated" train path in a working timetable?

The working timetable (TT) is valid for approximately 1 year. It always starts and ends on the second Saturday of the month of December at midnight. Within this working timetable, a regime-regulated train path refers to the same train path per given day (sillon-jour) allocated over several days (consecutive or not). A regime-regulated train path is characterised in part by its regime, i.e. the list of days for which it was allocated; this yearly regulated regime could potentially be codified into a weekly regulated regime, for example on a daily basis (except for Saturdays, Sundays and public holidays) for business days only during the entire year-round service.

Applying for capacity falls under the arrangements found in Section 3 of European Directive 2012/34/EU.

Section 3 of Chapter IV of European Directive 2012/34/EU offers a framework for all the national arrangements governing a fair and non-discriminatory allocation of railway infrastructure capacity. In France, it deals essentially with the construction phase of the working timetable (TT), which runs from December Y-2 to September Y-1. It corresponds to Stage 3 of the capacity allocation process described in Illustration No. 2 above.

All capacity set aside by the infrastructure manager to carry out maintenance operations or for the development of the network, are only mentioned here in terms of their potential impact on capacity open to commercialisation.

For more information

For more information on the capacity management process for planned works, please consult paragraph 4.5 of the NS.

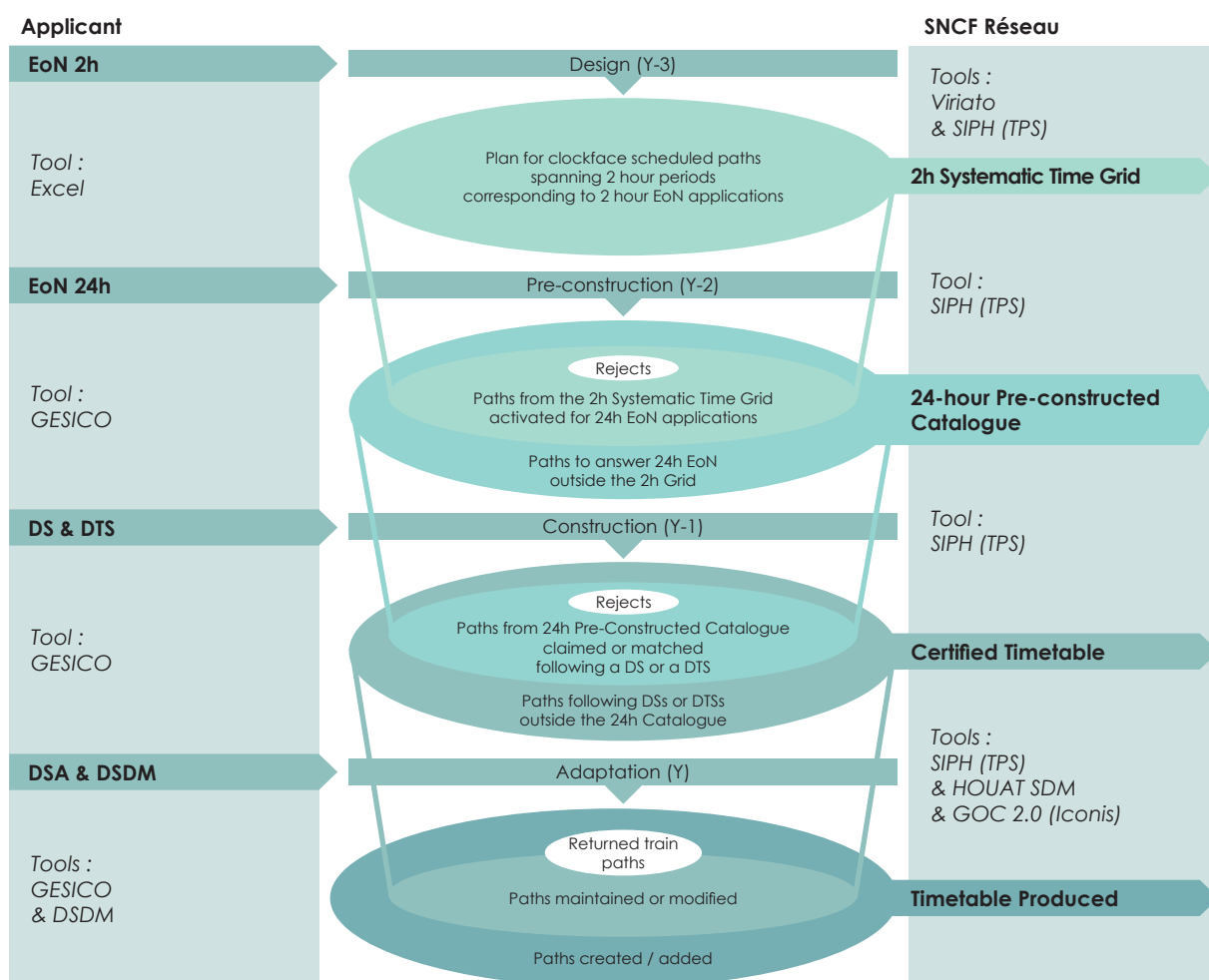
Preparations for capacity application start very early on and upstream from the opening date of the application period.

Section 3 of the Directive deals essentially with the construction of the working timetable. Except when it refers to framework agreements on infrastructure capacity, Section 3 does not deal with the preparatory stages of design (the most widespread stage at European level) and pre-construction (less common stage at European level). These preparatory phases, which unfold upstream from the working timetable's construction phase, have not been the subject of further standardisation in French legislation.

SNCF Réseau has developed preparatory phases referred to as the design phase and the pre-construction phase. They are initiated 5 years before the working timetable (Y-5) and end between December Y-2 and February Y-1 and are called Phases 1 and 2 of the capacity allocation process.

Within the process developed by SNCF Réseau, capacity needs that can be anticipated and are eligible in terms of frequency, will be at an advantage if they are communicated to the infrastructure manager upstream from the working timetable's construction phase. Anticipation would help the rail industry when it processes expressions of needs (EoN) and builds a working timetable by iterations/successive additional details. When reaching the next phase of the working timetable's construction, train paths generated by these early anticipated phases will be well placed to benefit from some stability and even be in a position of priority in situations of strained capacity.

Below, a summary of the phases showing how a working timetable is constructed:



Below are the main deadlines involving applicants, that allow anticipation in the production of a working timetable:

- Before the end of October Y-3: provide so-called "2-hour" expressions of need (EoN), i.e. the infrastructure capacities required to set up frequent and clockface scheduled transport services within a single standard day, so that they can be recorded in the systematic timetable grid, also called the "2-hour" grid.
- From first week of June to mid-June Y-2: provide so-called "24-hour" expressions of need (EoN), i.e. the infrastructure capacities required to set up definite and frequent transport services within the same standard week (minimum regime of 4 days/week over 25 weeks/year for passenger transport and 3 days/week over 20 weeks/year for freight), so they can be recorded in the pre-constructed timetable grid. Needs for "2-hour" grid train paths are to be confirmed at this stage.

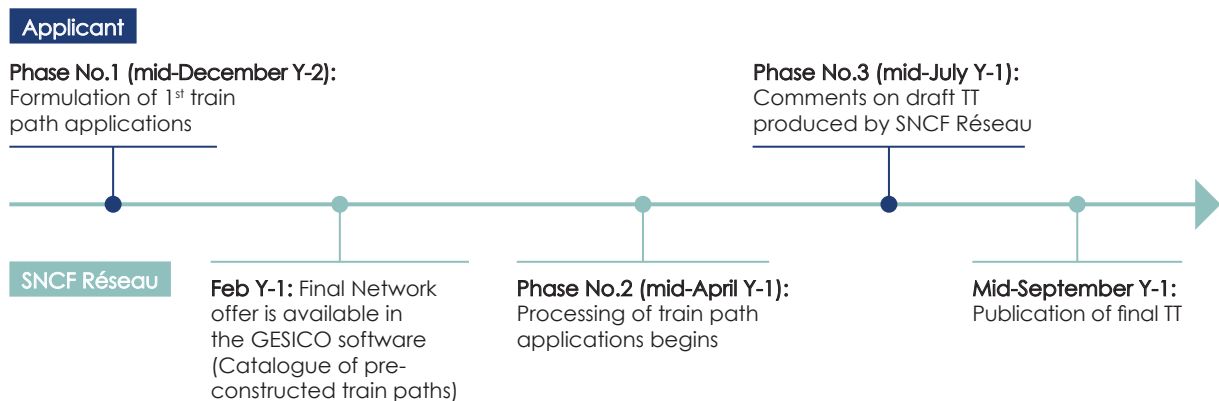


PLEASE NOTE

These two periods during which anticipation is possible, are not binding for the infrastructure manager. Only the construction and adaptation stages of the working timetable lead to a formal allocation of paths granted to the applicant. The pre-constructed catalogue is therefore an offer made by SNCF Réseau, of paths remaining available to all applicants. ART urges all applicants to enter the capacity allocation process as early and upstream as possible and to indicate at each and every stage, the most accurate expression of capacity needs. This will allow full optimisation of the timetable grid and allow anticipation of the construction phase.

Capacity allocation must be totally fair and non-discriminatory.

The working timetable construction phase is rolled out over a number of stages as described in the timeline below:



Phase 1

Path applications are registered (starting mid-December Y-2)

The working timetable construction phase begins with the applicant registering the train path application (DS) using the GESICO or PCS software tools between mid-December Y-2 and mid-April Y-1.



GOOD PRACTICE

The 24-hour grid listing all booked pre-arranged train paths is generally published in its final version only in February Y-1. It is in the best interest of applicants to claim pre-arranged paths on the GESICO software when those paths answer their needs because, according to the terms and conditions set by SNCF Réseau regarding the coordination of capacity applications, it affords them some stability, and even priority in case of constrained capacity. As per Article 22 of French Decree No. 2003-194, executed in the NS, in case of congested infrastructures priority is granted to applicants claiming a pre-arranged path.

Phase 2

Processing train path applications (starting mid-April Y-1)

Applicants may be contacted while SNCF Réseau is processing applications. Indeed, if capacity is constrained, they will be invited to take part in the coordinating of applications in case applications are for conflicting train paths, excess train paths and/or fragmented train paths.

The coordination of applications, as currently foreseen by SNCF Réseau, involves confirming and fine-tuning the specificities of each train path application with the applicant and, if the latter agrees, it involves a detailed dialogue about their needs in order to put together an offer for a collegial allocation.

The processing of requests ends with applicants informed of the draft working timetable by mid-July Y-1, whether they are active applicants at Phase 3 or potential applicants at Phase 4.

Phase 3

Comments on the draft allocation decided by SNCF Réseau (starting July Y-1)

Comments from the applicants inform SNCF Réseau of non-quality issues occurring during the processing of applications: mistake in the choice of rail access regime; unrequested stop; etc. This phase must end with the publication of the allocated working timetable by mid-September Y-1.

Phase 4

Dealing with last-minute train path requests and working timetable certification (from mid-September Y-1 onwards)

Next, SNCF Réseau processes last-minute requests for a train path (DTS), i.e. needs confirmed late and registered after mid-April Y-1 and before mid-September Y-1. SNCF Réseau processes those up to the certification of the working timetable mid-November Y-1, which is one month before the start of the working timetable. During that period, the last-minute requests for a train path that have been processed are added to the hourly diagram and the allocated train paths relinquished by applicants are removed. Also, SNCF Réseau works on ensuring reliability of all allocated train paths by verifying compliance with certain specific operational constraints.

For further information

For further information on this step and the regulatory obligations to be discharged by the infrastructure manager, please read Article 46 of Directive 2012/34/EU and French Decree No. 2003-194 of 7 March 2003 on the use of the railway network.



SUGGESTION

Generally speaking, the Authority advises players acting jointly and in coordination, to make sure they keep a good paper trail of all their exchanges in order to guarantee that the wishes expressed by each player and the potential refusals of suggested solutions may be substantiated.

In Section 4.4.2. of the NS, there is a procedure available to applicants for the settlement of disputes, if an applicant feels slighted by the allocation decision made by SNCF Réseau, once the end of the residual conflict methodology implemented after coordinating applications has been reached. This procedure is an SNCF Réseau internal procedure, as provided for under the arrangements of paragraph 6, Article 46 of European Directive 2012/34/EU and transposed in Article 21-1 of the above-mentioned French Decree No. 2003-194, without prejudice to existing appeal procedures and the Authority's competences.



May I transfer my train paths to another railway undertaking or may we exchange train paths?

No, this is forbidden pursuant to Article 38 of European Directive 2012/34/EU which states that *"once allocated to an applicant, [infrastructure capacity] shall not be transferred by the recipient to another undertaking or service"*. Any such transaction is therefore banned and would lead to being banned from any subsequent capacity allocation. There is one single exception: the use of capacity by a railway undertaking to carry out the business of an applicant who is not a railway undertaking, is authorised.

The remaining capacity is then opened to requests during the service adaptation phase

Once the working timetable is firmed up mid-September and certified mid-November, the adaptation phase begins, during which alterations are made as requests come in. This phase lasts until the working timetable lapses mid-December Y. It is the 4th phase in the capacity allocation process, the only one that includes the day the train movement takes place.

This phase can accommodate 2 types of applications:

- Path requests during the service adaptation phase (DSA): requests processed up to minus 8 days (D-8).
- Last-minute train path requests (DSDM): processed starting minus 7 days (D-7) before the train running.



Can my train paths be modified or cancelled by the IM during the service adaptation phase?

In theory no, except in those specific circumstances exhaustively listed in Article 25 of the French Decree of 7 March 2003 as amended. It is up to the IM to assess any urgent nature or absolute need that would call for a path modification or cancellation following an infrastructure failure. Likewise, it is up to the IM to assess the need to carry out unscheduled works.



When the working timetable was published, some of my train paths per given days were still “under study” or listed as “conflicting”: what does that mean?

Train paths per given days listed as “under study” for a service request (DS) or “conflicting” for a late service request (DTS), are requests for paths concerning days of the annual timetable that conflict with capacities set aside for planned works. An automated process detects these conflicts and sometimes generates false conflicts. It falls upon SNCF Réseau to resolve these so-called conflicts at least 3 months prior to the train running.



FOCUSING ON:

INCENTIVE SYSTEM ENCOURAGING STABILITY OF BOTH ALLOCATED AND ALLOCATION OF TRAIN PATHS UNDER STUDY

As per its Decision No. 2018-094, ART established a scheme encouraging applicants and the IM SNCF Réseau to strive towards a greater stability in allocated train paths per given days (as well as those under study or conflicting) starting with the 2020¹ working timetable.

A reciprocal, simple and well tested scheme

The scheme is based on calculating penalties payable reciprocally in the case of each bilateral relation between an applicant and SNCF Réseau, for the first modification or the cancellation of a path per given day, by one or the other party, between the date of the working timetable certification and the day before the train running is to take place on the path per given day in question.

This scheme repeatedly proved to be an efficient incentive between 2015 and 2018, undergoing minimal amendments to correct minor inconvenient side-effects.

¹ This scheme was implemented with the 2015 working timetable, enforcing four decisions adopted by the Authority on 15 July 2014 and subsequently revised.



FOCUSING ON:

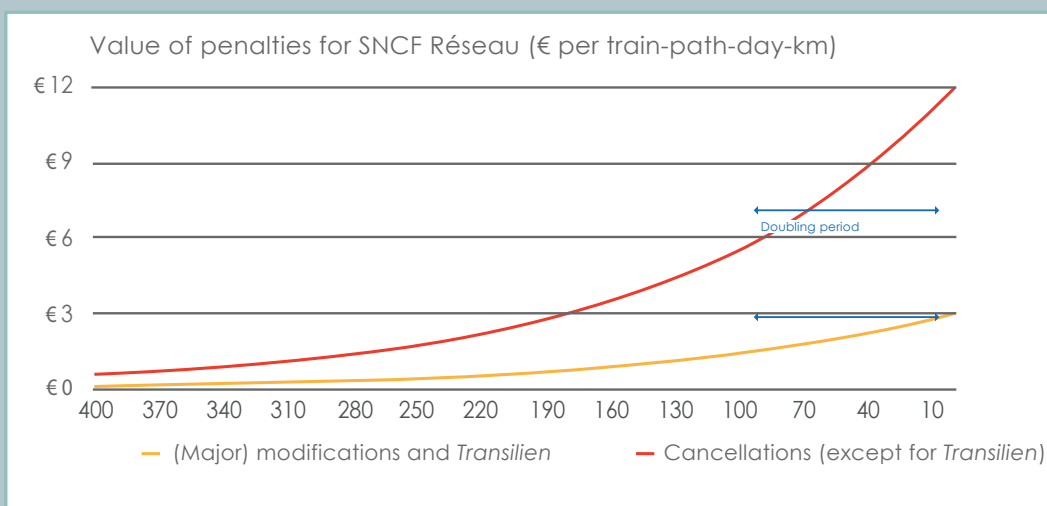
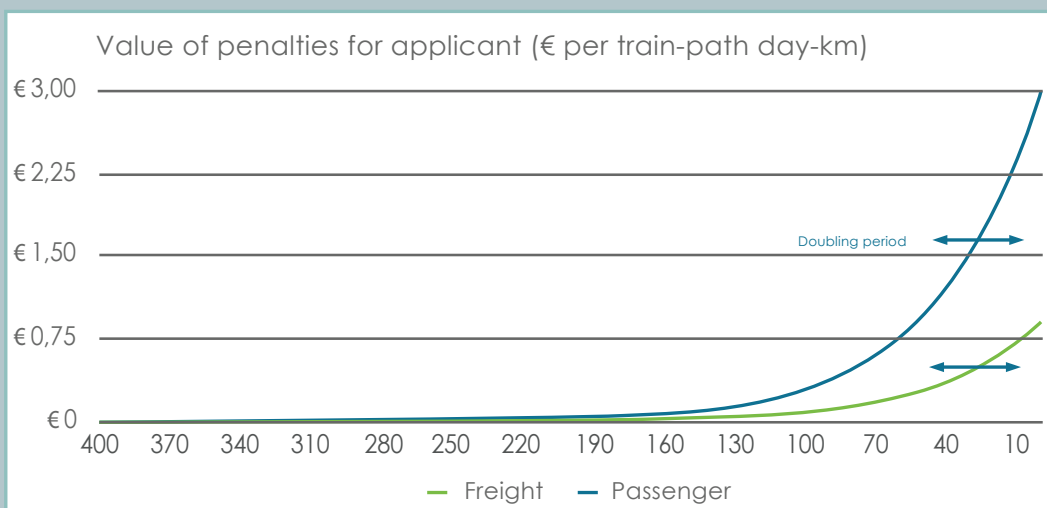
A scheme both efficacious and fair

For efficiency's sake, the formulation to compute the penalty payable by each party is exponential: each day, the penalty is higher than the one due on the previous day; also, the closer to the train running date, the greater the increase of this penalty. The penalty formula is governed by 2 parameters only:

- Its last value (its highest) at Day minus 1 (D-1), i.e. the day before the train running, in € per path per given day-kilometre which defines the penalty's general amplitude;
- The time period over which the penalty doubles, which defines the penalty's growth rate over time and in relation to the day of the train running on the path per given day foreseen. In other words, this period corresponds to the anticipation by which the penalty is halved.

In the interest of fairness, the period during which the penalty doubles in value is the same for all applicants (Passenger and Freight). Only values at Day minus 1 (D-1) are acknowledged in order to take account of the differences in contributory capacities between Passenger and Freight applicants.

It is between SNCF Réseau and the applicants that the value at Day minus 1 (D-1) and the growth rate differ, this in order to show that the IM should normally be able to honour all allocations already communicated except in a case of force majeure. Values at D-1 are higher for cancellations by the IM. The penalty scale value for applicants is halved every 30 days of anticipated notice and every 90 days of anticipated notice in the case of SNCF Réseau.



2. Operational traffic management (GOC)



How are train movements managed in France? To which rules must railway undertakings comply? How is compliance with applicable rules verified?

Players and tools

During an operational phase, trains may travel in the paths allocated to them in the space-and-time diagram (GET) of the certified working timetable. Information on forecasted traffic journeys is available via a number of information systems (IS) such as the SNCF Réseau "SEE TRAINS" tool. The "HOUAT" IS software contains information on train consists and train schedules. The SNCF Réseau Traffic Management Department oversees enforcing the real time management process of train movements whilst minimising consequences of any possible disruptions. The Department's main missions are route plotting, monitoring and ordering traffic, operational supervision and the enforcement of safety rules (particularly during a safety event).

SNCF Réseau requests that a single liaising manager be appointed at the Traffic Management Department (SGC), although one person for each SGC level is also acceptable. The SGC will pass on to each RU the particulars of SGC liaising managers to be contacted during pre-operational and operational phases.



Who are the different players involved in GOC?

RFN's Operational Traffic Management (GOC) is managed by its Traffic Management Department (SGC). The SGC is organized around different levels of responsibility:

- The local level – Command-control posts for switching and signalling facilities (about 1,800) are managed by traffic managers and movement operatives. They are tasked with Action Areas (or with Running Sectors if they work out of a Centralised Network Control station (CCR) – see below) and they carry out all actions required to plot train routes. When route plotting is automated, they monitor traffic flows when conditions are normal.
- The regional level – Operational Traffic Management Centres (COGC) – some 20 in France. The traffic controllers track compliance with the train paths recorded in the space-and-time diagram (GET). When there is a disruption in traffic, they pass on their orders to movement operatives who are at local level.
- The national level – the National Operations Centre for Traffic (CNOC) where both the National Coordinator (CNC) and the Corridor Coordinator (CODAX) are geographically based side-by-side.

A large-scale project is presently ongoing, to geographically group together the local and regional levels into Centralised Network Control Centres (CCR). The final objective to be reached by 2030, is the rolling out of some 20 of these CCRs spread throughout the entire French network. These far-reaching Centres will be tasked with remotely operating all command-control posts for switching and signalling facilities, and with managing traffic.

The 3 steps in traffic management

Operational management of train movements can be summarized as the three main steps shown below:

Step No.1 (D-7 to D-1 at 17 hours):
pre-operational step – preparation of the running of a train using its allocated path.

Step No.2 (D-1 at 17 hours – Day D): operational step - the running takes place and the train runs on RFN

Step No.3 (starting at D+1):
post-operational step - operational results are analysed, and operational feedback is obtained.



Step 1

Pre-operational step

A number of procedures need to be carried out during the pre-operational step before the acceptance into traffic can take place, and in particular:

- Declaring exact train composition which will run each day on the allocated paths. This declaration must be done before train departure and at each alteration of the train composition. It is done via a TSI standardised IT flow or via the "DINAMIC" IS interface made available specifically for that purpose.
- In case of a potential non-compliance identified in the use of a train path, or of a modification of the allocated train path, the acceptance of the train circulation must be requested from the SGC and the request is placed via the "DINAMIC" IS software.
- When a discrepancy has been identified between the route or timetable and the actual train running, a request is sent to the SGC for a change in the train path regime.
- Information on any needs for alteration or stabling that had not been planned for that specific train path is to be requested from the local SGC.

Step 2

Operational step

Rules have been drawn up to guarantee that decisions taken for the regulation of traffic are fair, non-discriminatory, and consistent. They stipulate the following:

- A train running on schedule cannot be made late to the advantage of a train already running behind schedule (lag threshold value is 5 minutes).
- For all other cases, trains running with a time conflict will be specifically analysed by the IM's traffic regulators in charge of operational train traffic management (hereafter called "regulators") following the method shown below.

The SNCF Réseau traffic controller has identified a traffic conflict



To solve this traffic conflict, the traffic controller may choose from a number of possible actions, among which:

1. Hold a train upstream from the convergence point to let the other train run through first.
2. Hold the train at an overtaking facility to change the order in which trains will run.
3. Hold the train on a crossing area (track section for train avoidance) to grant priority to the other train coming from the opposite direction (particularly in the case of single line operation).
4. Re-route one train on another route, in particular where there are railway junctions and on lines for which equivalent routes are available.

Which priority rules are applied?

1st case: 2 of your trains are involved and you informed the IM beforehand of the rules to apply to your own train movements.

The regulator will enforce your priority decisions providing these do not generate issues for the rest of the traffic, nor in the carrying out of planned infrastructure works.

2nd case: the second train is run by another railway undertaking.

Unless an exception is made in the interest of smooth traffic, the regulator ranks each train's priority of passage according to the following order:

1. The fastest train
2. The passenger train
3. The international train
4. The original train that had been scheduled to go first



Are there any exceptions to these principles?

Yes, in particular if trains are running ahead of schedule, a situation for which there is no specific public rule. In general, these trains are processed on a case-by-case situation. They are slipped into traffic based on capacity availability as shown in the diagram and based on the analysis made of the situation by the regulators. Similarly, regulators may deviate from the principles listed above in the general interest of both the operators and the system. Finally, SNCF Réseau has launched a massive updating project of these rules, which, on the short or middle term, could mean introducing amendments to them.

How to deal with a major incident?

When traffic management is such that it calls for significant coordination between the players, plus massive supervisory needs over a vast perimeter, a crisis situation can be declared at a local or national level. In that case, specific rules apply in addition to the principles explained above. Crisis management rules and the methodology applicable to the French national railway network are described in Appendix 5 of SNCF Réseau's Rail Network Statement. Please bear in mind that crisis management may also encompass (a) upstream preparation and anticipation of major railway crises, and (b) downstream operating feedback and continuous improvement of SNCF Réseau's crisis management.



SUGGESTION

In order to allow, as far as is possible, the implementation of traffic management rules specific to a given railway undertaking in the case of a conflict between 2 trains of this RU, we recommend that the RU's own rules applicable in such a situation are communicated to the IM prior to any train journeys. Also please note that traceability of traffic running actions on the French network is at present limited and we therefore advise you to monitor carefully the implementation of regulation rules.

Once a year, SNCF Réseau must invite all RUs and authorised applicants to take part in a bilateral meeting based on the following agenda:

- An ex post facto review of the conditions in which train running truly occurred.
- An analysis of the conclusions of investigations and reports carried out by the different parties involved in major incidents.
- The joint development of action plans aiming at improving the quality of a train running on the network and the conditions for implementing those action plans.

Step 3

Post-operational step

During this step, the "BREHAT" Information System allows for the consultation of reported events impacting each train running, pursuant to Annex VI of European Directive 2012/34/EU. In compliance with the IM's procedures, there is the option to contest allocation of responsibility, i.e. challenging a late arrival incident that would have been unduly allocated. Dedicated tools are available for that exact purpose.

For further information

SNCF Réseau publishes the rules justifying late arrivals in "BREHAT", in the implementation document referenced under RFN-IG-TR- 04 C-01-No. 002.

A more comprehensive description of SNCF Réseau's Operational Traffic Management System (GOC) can be found in:

- Appendix 5 of SNCF Réseau's Rail Network Statement (DRR) that discusses "Principles governing operational traffic management on the French National Rail Network"
- The document on the use of the network entitled "Rules applicable to operational traffic management", Reference RFN-IG-TR 04 C-01-No. 001.et référencé RFN-IG-TR 04 C-01-n° 001.



FOCUSING ON:

THE PERFORMANCE SCHEME (SAP)

Pursuant to Article 35 of EU Directive 2012/34 (EU), SNCF Réseau has rolled out a Performance Scheme to mutually encourage players to improve operational performance and reduce train lateness. It is based on metrics collected from a number of indicators, for instance minutes lost for "IM" and "RU" reasons by each railway undertaking involved in the programme, or trains cancelled during operations. These indicators are used a) to carry out a shared analysis of areas for improvement between RUs and IMs via the Performance Scheme committee (CoSAP), and b) to set up a financial incentive scheme (bonus/malus) linked to the performances of each player. The calculation scheme applied for these indicators and penalties is detailed in the SAP annual report available on the SNCF Réseau website. Also, the rules governing the participation in SAP of new RUs are explained in the Performance Scheme (SAP) standard, which is also available on the SNCF Réseau website.

3. Charging principles applicable to minimum services when using the infrastructure

➔ **What rules apply to determine charges? What calculation and estimation methods for applicable charges are used for a potential service on the French national rail network (RFN)? How is ART involved in these issues?**

Infrastructure managers are entitled to set and collect charges for the use of their infrastructure, in application of the French Transport Code. These charges, and their calculation and collection methods, have been established pursuant to French Decree No. 2003-194 of 7 March 2003 as amended, on the use of the rail network and French Decree No. 97-446 of 5 May 1997 as amended, on charges for the use of the RFN.

All minimum services provided to railway undertakings are listed under Article 3 of the above mentioned French Decree No. 2003-194. They comprise mostly the processing of train path requests, the right to use the paths allocated, the management of traffic and train journeys, access to electric traction facilities, and the coverage for losses of electric systems from substations up to the train detection points.

For more information

For more information on charges for minimum services, it is best to refer to Chapter 6.2.1. of the 2021 NS published on the SNCF Réseau website. The various other charges are detailed in Chapters 6.2.2. to 6.2.5. of the 2021 NS.

• Rules used to set charges

Pursuant to European and French laws, rates levied are calculated to allow railway undertakings access to the RFN on a non-discriminatory and transparent basis. Factored into the levied rates are infrastructure costs, supply and demand specificities, and the need to optimise the use of the RFN, as well as, when the market can accommodate it, the economic value to be derived from the use of the French national rail network. The following rules are therefore applied to set and calculate charges:

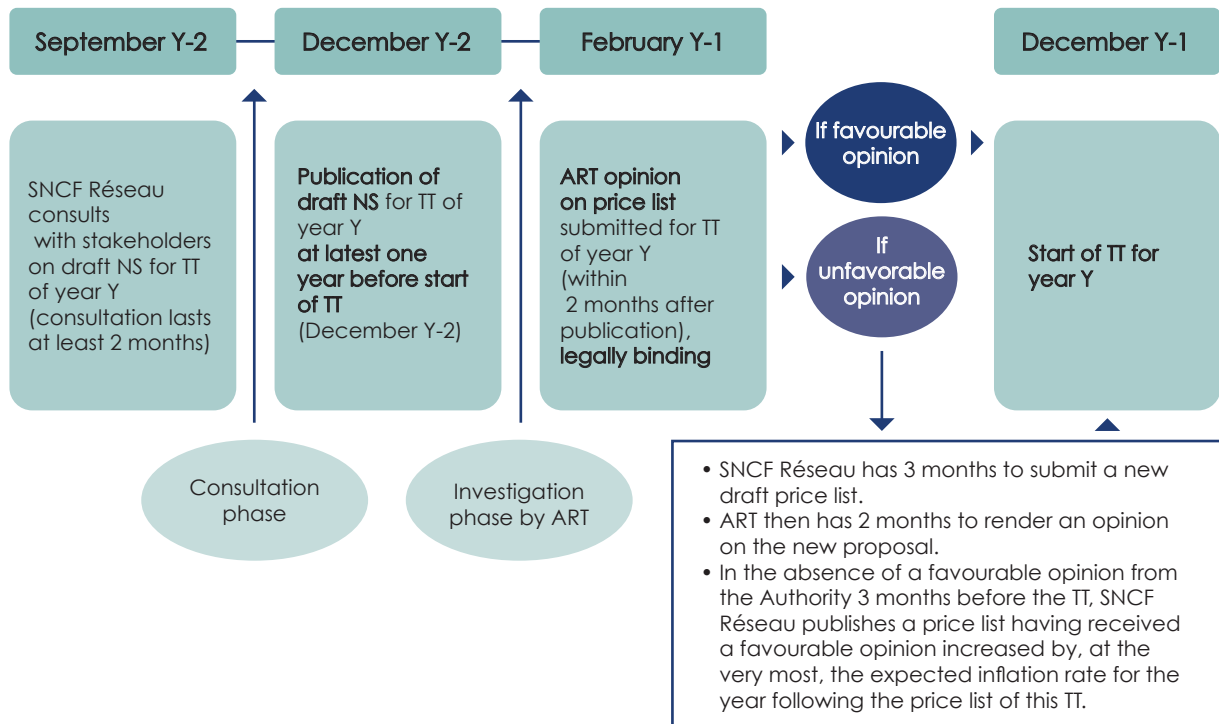
- Charges must at least cover the cost directly incurred (CDI) as a result of the operational use of the rail service (CDI or marginal cost); this cost depends on the traffic having run on the infrastructure.
- If the market can accommodate it (i.e. depending on whether the market is able or not to absorb these mark-ups), mark-ups to the CDI may be levied in order to obtain full or partial recovery of the costs incurred by the infrastructure manager.
- Charged rates are calculated on the basis of work units made available by the infrastructure manager.

The value of these work units is established by applying the scales in force, presented in Appendices 6.2 to 6.5 of the Network Statement – 2021 timetable (2021 NS) and is used to work out the total charge to be invoiced. The formula for a generic calculation is spelled out as follows:

$$\text{Amount of charge} = \text{Price per unit} \times \text{Quantity of work units}$$

• Schedule for the setting of charges

The schedule is described in French Decree No. 2003-194 of 7 March 2003 as amended. Its mapping out is described below:



Starting with the 2021 TT, and in compliance with the French Transport Code, charges for minimum services are now submitted for a span of several years running and the draft price list is drawn up for three working timetables, i.e. from 2021 to 2023 for the first charging cycle. The Authority renders its opinion (a) on all of timetables in the draft price list; and (b) if the latter has been amended. Indexation for all charging cycle years is described in the first NS of the charging cycle.

• Charges on main infrastructure for non-PSO rail passenger transport services

| Type of charge | Non-PSO rail passenger transport services |
|--|--|
| Charges to cover cost directly incurred (CDI) by train running on the network | Running charge (RC) Covering variable costs for tracks, switches (points) and signalling |
| | Electric traction charge (RCE) Covering variable costs for electrical equipment: electric traction equipment (catenaries) and equipment powering electrified lines (sub-stations) |
| | Charge for transmission and distribution of electric power (RCTE) — component A Covering leakage in electrical systems from sub-stations to train current collection devices |
| Market charges (RM) Mark-ups calculated to take account of market sustainability for each identified market segment of non-PSO services | Market charge (RM) Mark-ups calculated to take account of market sustainability for each identified market segment of non-PSO services |

Other charges²

| Special charges (RP) |
|---|
| These special charges are levied for the use of infrastructure listed in Appendix 6.1.1. of the 2021 NS and following NSs. Coverage for long-term costs of specific investment projects by SNCF Réseau, that improve yield or profitability, and that could not, or would not, have been implemented had these charges not been levied. |
| Congestion charge (RS) |
| Charge payable because of scarcity of capacity on infrastructure sections declared congested. The congestion charge will not apply to the 2021-2023 working timetables. |



Which invoicing rules does SNCF Réseau apply to charges?

For the running charge (RC), the electric traction charge (RCE) and the charge for transmission and distribution of electric power — Component A charge (RCTE-Composante A), an invoice is issued anytime from the 20th of the month (M+1).

For the market charge (RM), 3 invoices are issued at 3 different dates: first, a down-payment invoice in November (Y-1) covering all the TT (15% of the RM calculated on the basis of the allocated train paths per given days); second, a forecasted invoice at (M-2) for services during month M; and third, an adjusted invoice anytime from the 15th of the month (M+1).

The pay-by date for invoices is 40 days from the date of issue of the invoice. For more information on the invoicing of charges for minimum services, it is best to refer to Chapter 6.8. of the 2021 NS and following NSs.

“Are there any exceptions to the above principles on the RFN?” Yes, for example the Tours-Bordeaux high speed line (the LGV SEA), under private concession contract with the company called LISEA. For any train running on all of, or part of, this line, the RU pays charges directly to the Concessionaire (and not to SNCF Réseau, the grantor). In compliance with the Concession Agreement, details on charges applicable to the LGV SEA line are described in the Line Network Document (DRL). The 2021 DRL is available in Appendix 10 of the 2021 NS.

EXAMPLE:

The following method is used to determine the charges payable for a given service

Here are four examples of French connections serviced mostly by high-speed train (TGV). This will offer a detailed demonstration of how the various charges are calculated:



Case No. 1

A train operating the railway link between Paris Gare de Lyon and Lyon Part-Dieu (with no stop-over)



Case No. 2

A train operating the railway link between Paris Gare de Lyon and Saint-Etienne (with a stop-over in Lyon)

² ART wishes to draw the reader's attention to the fact that setting a specific legal framework is a prerequisite to drawing up a price list for crisis management coordination services, transferred by law to the IM, i.e. SNCF Réseau, as part of minimum services supplied (see point 75 of Opinion No. 2019-005 of 7 February 2019 & point 43 of Opinion No. 2019-083 of 9 December 2019).



Case No. 3

A train operating the railway link
between Paris Gare de l'Est and Strasbourg
(with no stop-over)



Case No. 4

A train operating the railway link
between Paris Gare de l'Est and Colmar
(with a stop-over in Strasbourg)

Assumptions applicable to all four cases:

- Train running of a single unit high-speed train (one trainset).
- Use of electric traction (electric traction charges payable) during normal traffic hours (as opposed to traffic rush-hour and low traffic hours as defined in the 2021 NS).
- Tonnage example: 424 tonnes, i.e. 0.424 kilo-tonnes.
- At this stage, calculations exclude all service facilities.

Price scale for minimum service in the 2021 TT as per Appendix 6.2. of the 2021 NS applicable according to the type of line under consideration – high-speed line (LGV) and conventional line (LC):

- Cases No. 1 & 2 correspond to price segment A.
- Cases No. 3 & 4 correspond to price segment D.

Amounts calculated for the main charges per ordered train path (RM) or per train run (RC, RCE) are listed below:

| 2021 Timetable | Case No. 1 Paris to Lyon Part-Dieu | Case No. 2 Paris to Lyon Part- Dieu to Saint Etienne | Case No. 3 Paris to Strasbourg | Case No. 4 Paris to Strasbourg to Colmar |
|---|--|--|-----------------------------------|--|
| Distance (in km) | | | | |
| LGV distance | 400,86 | 400,86 | 404,32 | 404,32 |
| LC distance | 28,25 | 87,46 | 32,76 | 98,41 |
| LC distance on rail section falling under "regional development" (ADT) (*) | 0 | 37,10 | 0 | 60,30 |
| Total distance | 429,11 | 488,32 | 437,08 | 502,73 |
| Running charge (RC) RC on LGV = LGV distance x (€5.874 x number of kilo-tonnes having journeyed + €0.239 x number of trains having run) RC on LC = LC distance x (€3.23 x number of kilo-tonnes having journeyed + €0.435 x number of trains having run) | | | | |
| RC on LGV | €1,094.18 | €1,094.18 | €1,103.62 | €1,103.62 |
| RC on LC | €50.98 | €157.82 | €59.12 | €177.58 |
| Total RC | €1,145.16 | €1,252.00 | €1,162.74 | €1,281.20 |
| Electric traction charge (RCE) RCE = €0.294 x number of electric trains x distance | | | | |
| RCE totale | €126.16 | €143.57 | €128.50 | €147.80 |
| Market charge (RM) RM on LGV = LGV scale of segment x number of train paths applied for x LGV distance RM on LC = LC scale of segment x number of train paths applied for x LC distance Excluding rail section falling under "regional development" (ADT) (*) | | | | |
| RM on LGV | €9,957.36 | €9,957.36 | €6,687.45 | €6,687.45 |
| RM on LC | €90.12 | €160.65 | €104.50 | €121.57 |
| Total RM | €10,047.48 | €10,118.01 | €6,791.96 | €6,809.02 |
| Total charges owed = total RC + total RCE + total RM | | | | |
| Total charges | €11,318.79 | €11,513.58 | €8,083.20 | €8,238.03 |

(*) The 2021 NS provides for the setting of a zero-rate market charge for conventional lines on rail segment sections falling under "regional development (ADT)" with an outline of this arrangement in chapter 6.3.3 and a list of eligible sections in Appendix 6.6.

For a full valuation of the charges, please refer to the 2021 NS and subsequent NSs.

Furthermore, SNCF Réseau has developed a charging simulation tool (mass transport plan or transport per train path) available to all their customers and PTAs (Epsico 2021).



PLEASE NOTE

The level of charges may vary according to cargo capacity (single unit or multiple units), to the train movement schedule) and to the factoring in of charges specific to rail sections under “regional development”, as described in chapter 6.2.1.4 of the 2021 NS.



FOCUSING ON

INCENTIVES FOR START-UP OFFERS

The start-up incentive scheme was set up by SNCF Réseau to promote the development of new traffic in accordance with Article 33 of French Decree No. 2003-194 as amended (transposing Article 33 of European Directive 2012/34/EU). This scheme allows railway undertakings to benefit from a rebate on the market charge (RM) if they fulfil a number of criteria detailed in the NS. The rebate amounts to 10% of the market charge (RM) on high-speed lines and 20% of the RM on the other types of lines. The rebate is effective for the first two years of operational traffic.

Applications for a start-up offer are to be submitted to SNCF Réseau by registered mail addressed to the “Directeur Commercial de SNCF Réseau” before the deadline governing applications for filing service requests.

DIFFERENTIATED CHARGING SCHEME

Pursuant to Article L. 2133-2 of the French Transport Code, transposing Article 56.6 of European Directive 2012/34/EU, the 2021 NS provides for a differentiated charging procedure for the market charge.

Eligible candidates may, under certain conditions, benefit from a differentiated charging scheme for a transitional period equivalent to 2 years, extendable for up to a maximum of 1 year after re-assessment of their company application.

Although individual differentiated charging scheme applications are to be addressed to SNCF Réseau, the whole process is ART-lead.

This differentiated charging scheme cannot be cumulated with the start-up incentive scheme.

For further information



For further information, see explanations on the start-up incentive scheme and the differentiated charging scheme as explained in paragraphs 6.3.1 and 6.3.2 of the 2021 NS. For LGV SEA, a scheme equivalent to the start-up incentive scheme is detailed in the 2021 LNS (Appendix 10 of the NS).

4. Specific steps for the supply of non-public service obligation rail passenger transport services, i.e. non-PSO services

➔ What actions should non-PSO transport services implement to prepare a rail passenger transport service offer?

Commission Implementing Regulation (EU) 2018/1795 provides for a two-stage procedure:

- publishes this notification on its website.
- in the case of a new service, informs the Public Transport Authorities (PTA), the infrastructure manager (IM), and all railway undertakings (RUs) involved in the operation of PSO services likely to be impacted by this new transport service.

For further information

The notification form for a new non-PSO service and the referral form requesting that the Authority carries out an economic equilibrium test are both available in French via the following link: <https://www.autorite-transports.fr/le-ferroviaire/les-notifications-et-les-saisines/>

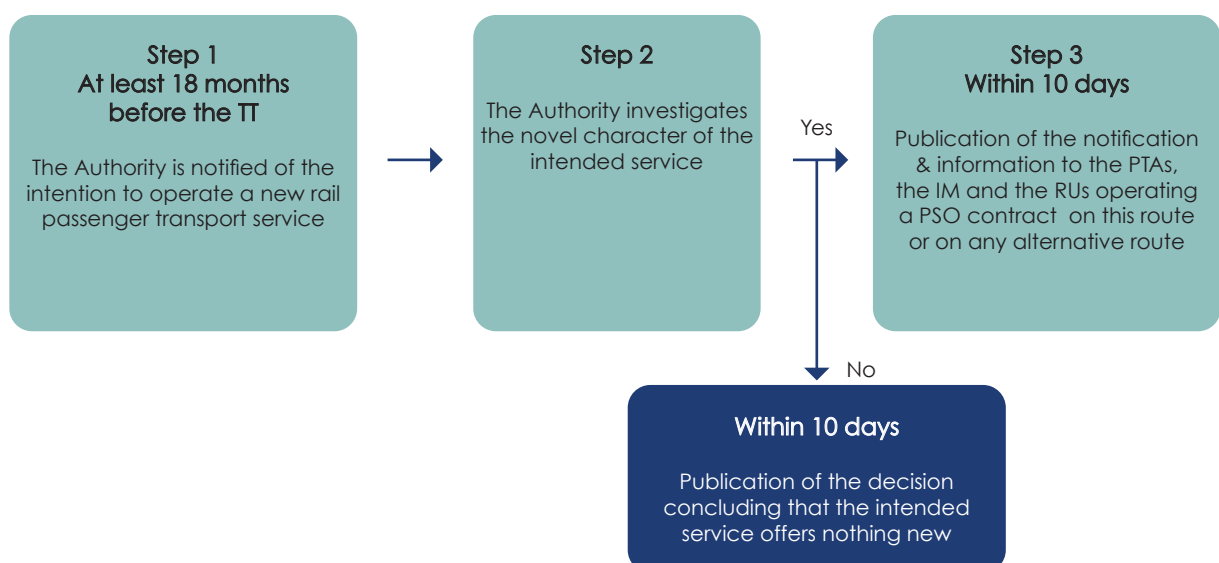
For further information on non-PSO services having already been notified to ART, please visit the website (in French) via the following link: <https://www.autorite-transports.fr/le-ferroviaire/services-ferroviaires-librement-organises/>

For further explorations and more information on EET guidelines and the procedure implemented by ART, please consult the Authority's Decision No. 2019-032 of 6 June 2019.

• Notification of a new service

The applicant must notify the ART of a new transport service no later than 18 months before the working timetable (TT). The ART then verifies that the notified service is a non-previously existing service and, within 10 days, the Authority:

- publishes this notification on its website.
- in the case of a new service, informs the Public Transport Authorities (PTAs), the infrastructure manager (IM), and all railway undertakings (RUs) involved in the operation of PSO services likely to be impacted by this new transport service.



• Referral to the Authority for execution of the economic equilibrium test (EET)

A request for the ART to carry out an economic equilibrium test (EET) may be filed by the following parties: one of the PTAs who awarded one or several public service obligation (PSO) contracts, the RU awarded the said PSO contract, the State or the IM. They may do so if they feel that the new non-PSO rail passenger transport service could jeopardize the economic balance of one or several of the contracts, i.e. that it could prove to have a considerable negative impact a) on the profitability of the services operated by the RU under the PSO contract and/or b) on the net cost for the competent authority awarding the PSO contract for these services.

The applicant party must then submit all the information required to assess the financial impact of this new service on the net balance of costs and revenues resulting from the execution of the PSO contract. Please note that the significance of the financial impact is assessed by taking into account the full public service contract in terms of both transport services and duration.

Based on the information supplied by all the players involved in the execution of the test, the Authority forms its decision based a sequential analysis of the following elements:

- Verification of the choice made by the applicant of the scope and perimeter selected for calculating the financial impact.
- An analysis of the interchangeability between the public service and the non-PSO service, which should produce an estimate of passenger levels shifting to the non-PSO service.
- The valuation of the financial impact that, based on the interchangeability analysis done upstream, will estimate the loss of net income related to the new service. The extent of this loss of income is then established by comparing it to the total income and to the total amount of public funds collected by the RU operating the PSO contract.
- The assessment of the net advantages for the users of this new service, as well as possible social advantages obtained on a larger scale.

Based on these elements, ART issues a decision by which it may grant with or without conditions, amend or refuse, right of access to the rail infrastructure for the new transport service.

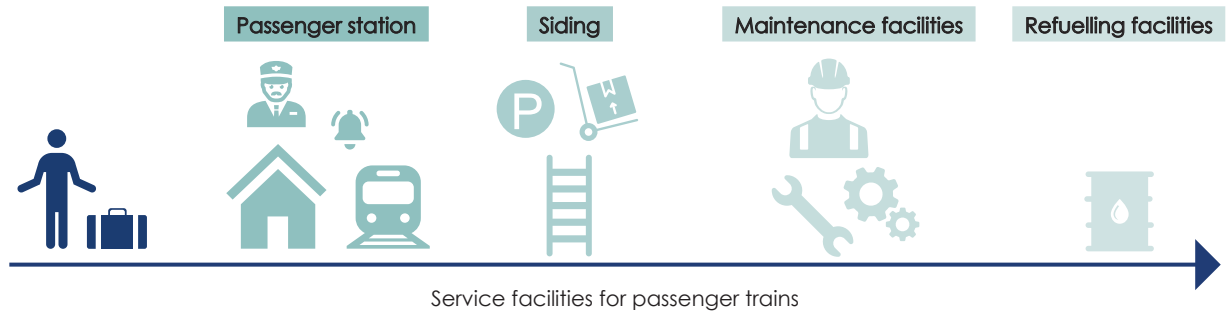
For further information

For further information, please consult Article 11 of European Directive 2012/34/EU of 21 November 2012, which provides for the possibility that the right of access of applicants to railway infrastructure may be limited if exercising this right is likely to jeopardise the economic balance of one or more PSO contracts.

5. Access to service facilities

➔ What rules apply and what steps must be taken to gain access to service facilities and to the services offered there? What are the rights and duties of an applicant requesting access? Who are the main service facility managers in France?

Upstream and downstream from the track line journey, the production of rail transport services calls for access to a number of service facilities (SF) spread throughout the rail network.



Where can the information on service facilities and the services available in these facilities be found?

For the most part, this information is available in chapter 7 of the NS³ and on the SNCF Services Platform website (PSEF)."

The main service facilities are:

- Passenger rail stations: information on passenger stations open to the public, the procedures for RUs to access them, and the services offered there, are specified in the Passenger stations Statement (DRG) in Appendix 9.1 of the NS.
- Sidings, stabling sidings: SNCF Réseau is the main player offering a regulated offer for access to sidings and stabling sidings. This offer is detailed in the Rail Network Statement (NS) in Chapter 5 (Services) and in Appendix 6.3.1. (Price scale for service facilities) of the 2021 NS, in Chapter 7 (Service facilities) and in Appendix 7 of the 2022 NS, as well as on the SNCF Services Platform website (PSEF).
- Centres for rolling stock maintenance and cleaning: the SNCF Voyageurs and Fret SNCF minimum offers for access to facilities and their services available there, are described respectively in the Maintenance Reference Portfolio (ORM) and in the Maintenance Reference Statement (DRM). Both are available for viewing on the SNCF Services Platform website (PSEF).

- Refuelling facilities: the basic offer for access to and refuelling at the refuelling facilities offered by SNCF Voyageurs is available for viewing on the SNCF Services Platform website (PSEF).

European Commission Implementing Regulation (EU) 2017/2177 provides a general framework applicable to service facility managers.

Applicants have a non-discriminatory right of access to service facilities and must comply with the following procedure in order to gain access to those service facilities and their ancillary services.

Applicants must request access and use of related services in service facilities by indicating in their application, the selected service facility and/or one or several of their related services. The procedure for requesting access to service facilities and to the supply of services in a facility, is described in the basic offer produced by the service⁴ facility manager, pursuant to European Implementing Regulation 2017/2177.

³ All the service facilities of the 2021 Network Statement are listed under its section 3.6 of the 2021 NS.

⁴ Unless a derogation has been granted by ART, as provided for in Article 2 of European Implementing Regulation 2017/2177.



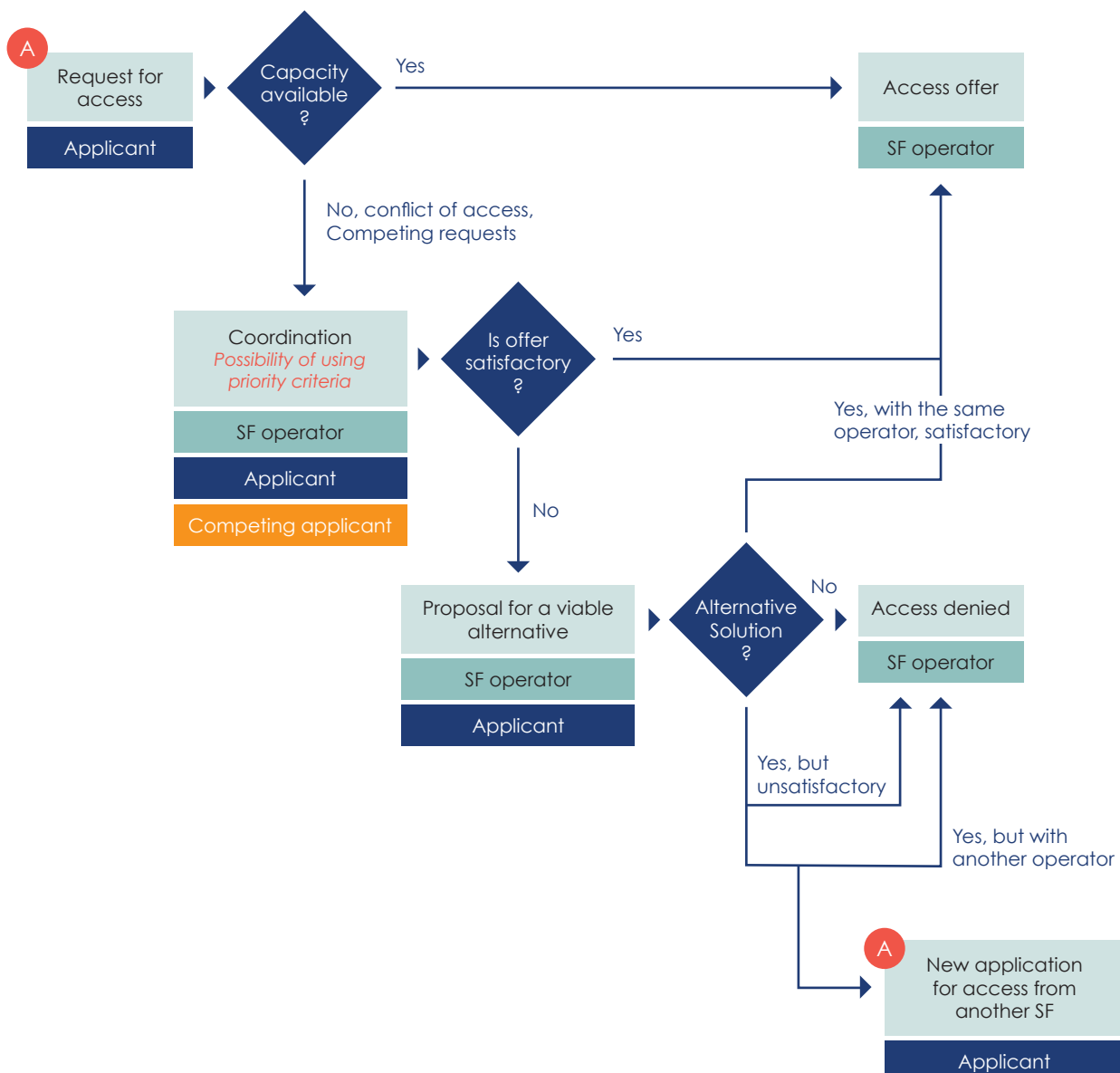
Which entities are entitled to request access to service facilities?

The word “applicant” is to be construed as defined in Article L. 2122-11 of the French Transport Code:

“An applicant, in the sense of this [Code], is a railway undertaking, an international grouping of railway undertakings, or any other person who, for commercial purposes or for the purpose of a public service, would have reasons to acquire capacity from the infrastructure, for example a combined transport operator; a harbour or port; a forwarding agent; or a public railway transport authority”.

The service facility operator subsequently issues an answer on the applications submitted, doing so within the reasonable timeframe set by the Authority (ART Decision No. 2020-012 of 30 January 2020). Operators may only deny access to their facilities if they have no availability.

Procedure to access service facilities:



If there are conflicts between several access requests, a coordination procedure is launched with the applicants in order to satisfy all requests to the extent possible. When applicants and service facility operators jointly request it, ART has the option to join the procedure as an observer.

Under the coordination procedure, Article 10 of the Implementation Regulation provides that operators of service facilities (SF) must find solutions that would satisfy all competing requests for access to their facilities or their services. Measures may consist in optimising the capacity available at the facility site if, and only if, this does not call for additional investments in resources or installations. For example: a facility operator may offer another schedule; different opening hours may be set up; tasks may be organised differently; or access to the facility may be authorized for the provision of services on behalf of the RU itself. However, service facility operators “shall not reject requests for access to their service facility or supply of a service nor indicate to the applicant viable alternatives, when capacity that matches the needs of the applicant is available in their service facility or is expected to become available during or following the coordination procedure.”


When requests cannot be satisfied by the end of a coordination procedure:

- Service facility operators have the option to apply objective and non-discriminatory priority criteria to allocate capacity in the case of competing access requests.
- The service facility operator informs the applicant if the request cannot be satisfied and the reason for refusal must be explained. The applicant and the service facility operator then establish together whether there are viable alternatives offering economically acceptable conditions on the same route or an alternate route. The service facility operator cannot force the applicant to disclose its business strategy in this given situation.

If, at the end of the coordination procedure, the request for access to the service facility cannot be satisfied and/or the parties have not agreed on a viable alternative, the operator may deny the request for access, listing the alternatives the operator deems viable. ART is informed of the situation and the applicant may file a complaint with the Authority.

When assessing the impact of any decision it could take to allocate an appropriate share of the applicant's capacity and pursuant to Article 14 of EU Implementing Regulation 2017/2177, ART will factor in several elements according to their relevance, such as the overall volume of the facility allocated to other users, investments made at the service facility by other users, the viability of the business models of the relevant service facility operator, etc.

For further information

 The priority criteria applied by the operator of a service facility can be found in the service facility description (see Article 4, paragraph 2, letter k, of EU Implementing Regulation 2017/2177). They must necessarily factor in the type of facility, the guarantee of targeting efficient use of the capacity available, and the object and nature of the rail transport services involved. The criteria determined by the service facility operators may also factor in other aspects (see Article 11 of EU Implementing Regulation: train paths already allocated on the infrastructure; timely submission of requests, etc.).

Where, due to the impossibility of accommodating a request, the operator of a service facility seeks alternative solutions, this operator must take into account at least 4 criteria namely (a) the similarity of operational characteristics of the proposed alternative; (b) the similarity of physical and technical characteristics of the proposed alternative; (c) the impact of the latter alternative on the competitiveness of the applicant's transport service; and (d) the additional cost for the applicant.



Which are the main rights and duties of the various parties regarding access to service facilities?

Main rights and duties of access applicants:

- It is acceptable to request information indicative of available service facility capacity, from service facility operators (see Article 6 of EU Implementing Regulation 2017/2177).
- A request for access must be filed with operators of a service facility before access to the facility is possible and before use is made of the rail-related services.
- A complaint may be referred to ART if a request for access has not been satisfied.

Main rights and duties of service facility operators

- Operators of service facilities shall make the description of the service facility available publicly and free of charge by publishing it either on a web portal, or in the rail network statement (see Article 5 of EU Implementing Regulation 2017/2177). The internet link to the web portal will be given in the NS.
- Through discussion and coordination with the applicants concerned, operators of service facilities shall attempt to satisfy all requests (see Article 10 of EU Implementing Regulation 2017/2177). They are not required to make additional investment in resources. Where the coordination process has failed, the operator of a service facility informs the applicants of viable alternative solutions, having factored in at least 4 criteria.
- Operators of service facilities shall respond to all requests received (see Article 9 of EU Implementing Regulation 2017/2177); they will justify their answer to the RU if the request cannot be satisfied. They shall provide ART with explanations when the request of an RU is denied (see Article 13 of EU Implementing Regulation 2017/2177).



FOCUSING ON

HOW IS IT POSSIBLE TO ACCESS UNUSED SERVICE FACILITIES?

It is possible to request access to and use of service facilities no longer in use. Indeed, the regulation⁵ provides that an operator of service facilities that have not been in use for at least two consecutive years, shall publish a request for expressions of interest in the takeover of the site through a lease or a rental contract. Any applicant may answer the request by outlining its needs. The operator may decide to resume its activities at the facility. However, if the service facility operator does not resume its activities and if it has not launched any site reconversion process, the owner of the unused service facility may launch a tendering procedure to enable any interested company to submit an offer to take over service operations at this said facility.

⁵ See EU Implementing Regulation 2017/2177 Article 15.

6. Use of passenger stations

➔ Which stations are accessible? Which services are available at passenger stations and when must they be booked? Is it compulsory to purchase specific services? Where can the appropriate price list be found?

SNCF Gares & Connexions provides integrated management for all passenger stations. This subsidiary of SNCF Réseau since 1st January 2020 was one of the stand-alone directorates of SNCF Mobilités until 2019. It now has the status of a limited company (société anonyme – SA) with managerial, decisional and financial autonomy.

Non-discriminatory access of railway undertakings to:

Passenger stations

Access to passenger stations is done under fair, transparent and non-discriminatory⁶ conditions, including access to buildings and other equipment required for the supply of services and offerings.

There are about 3,000 passenger stations in France. They are not all equivalent in terms of size, rail lines, number of passengers in attendance and possible intermodality. Some are simple train stops. In its Passenger stations Statement (DRG), SNCF Gares & Connexions lists the amenities of all the stations in general terms (platform shelters, waiting areas and geographic locations). SNCF Gares & Connexions has also made a set of data on passenger stations available as OpenData: (https://data.sncf.com/explore/?sort=modified&q=gare&_ga=2.111479747.692599938.1571765429-1043310677.1571765429&refine.keyword=Gare+de+voyageurs).

For further information

Information on requests for access to passenger stations, to services on offer from SNCF Gares & Connexions, to charges and price list, and to the list of passenger stations are available in French in the Passenger stations Statement (DRG) Appendices. SNCF Gares & Connexions publishes a Passenger stations Statement (DRG) which sets out the access charges for services on offer from SNCF Gares & Connexions. Visit https://www.garesetconnexions.sncf/fr/transports_ferroviaires

Core service packages, additional and ancillary services

SNCF Gares & Connexions is entitled to offer core service packages, additional and ancillary services at passenger stations under fair, transparent and non-discriminatory conditions.

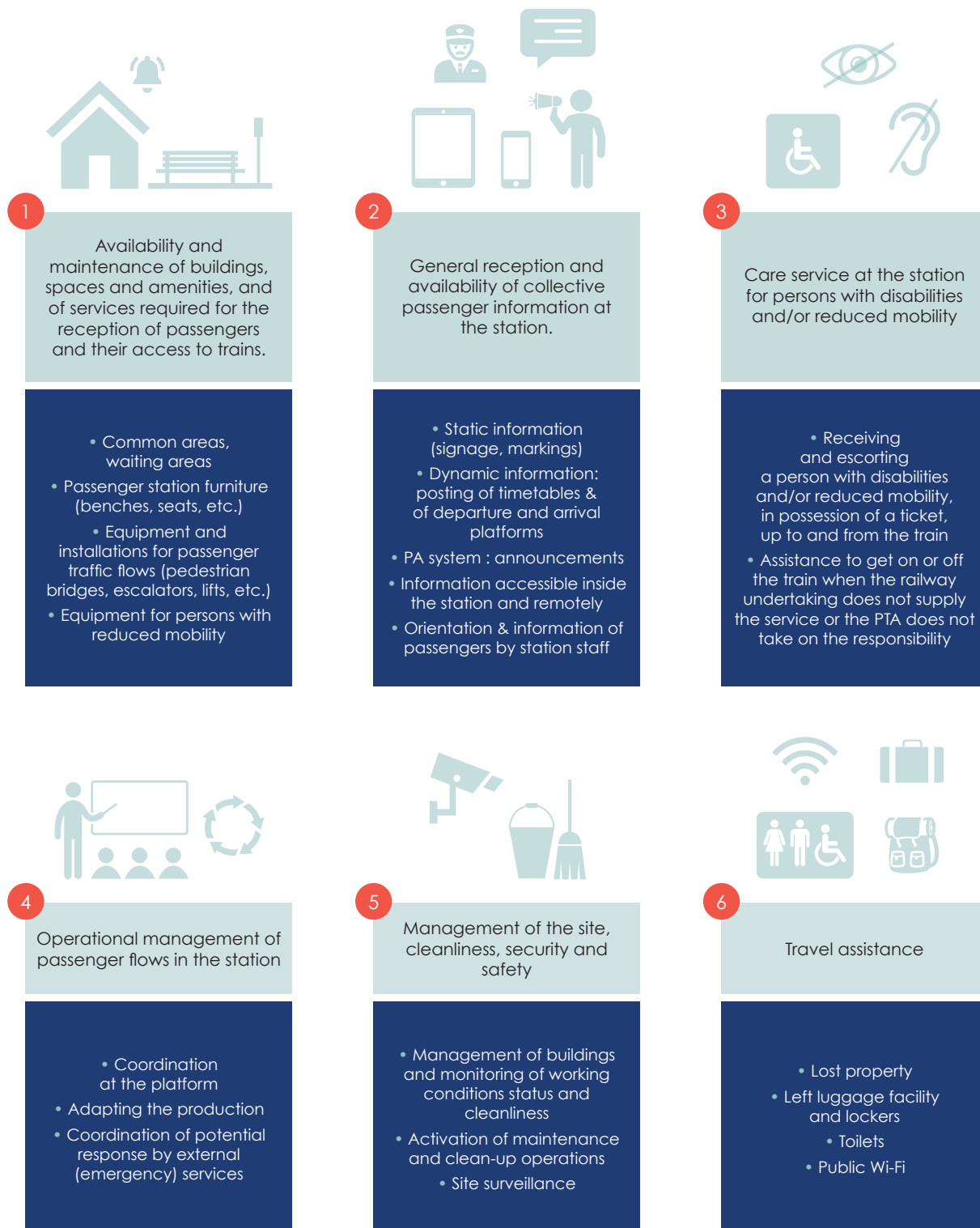
For further information

The Directive requires that all railway undertakings have access to passenger stations, buildings and other facilities, including to suitable location for ticketing services, and to the services supplied in these facilities comprising also the display of travel information. Additional services in passenger stations may include traction current, for which charges will appear on invoices separately from charges for the use of the electrical supply equipment, without prejudice to the application of European Directive 2009/72/EC, and charges for the pre-heating of passenger train. Ancillary services may include ticketing services in passenger stations.

⁶ See French Decree No. 2012-70 of 20 January 2012, Article 1 on rail network service facilities.

The “minimum access package” on offer by SNCF Gares & Connexions includes a package of indissociable services supplied to every operator at a passenger station as part of their contract granting them access to the station. This minimum access package varies according to the station but is identical for all operators.

Minimum access package



The passenger station manager offers a portfolio of other services available on option.



A

Cross-Channel service

- Provision of areas and premises dedicated to cross-Channel traffic and implementation of security measures during boarding at the station



B

Boarding gates

- Service offering the use of boarding gates for automated boarding ticket processing (equipment available with its ancillary information system)



C

Providing retail premises and technical rooms

- Occupation of areas or premises dedicated to ticketing operations (grouping all ticket sales desks in a single area)
- Occupation of areas used for the rail service (premises for staff or technical departments)



D

Specific services available

- Use of pre-heating facilities at the station to pre-heat or air condition trainsets before departure
- Use of hydrants to fill train water tanks, particularly to allow proper use of toilets

For further information

↪ In its Decision of 19 July 2019, Case number C 210/18 – WESTbahn Management GmbH vs. ÖBB-Infrastruktur AG, the Court of Justice of the European Union (CJEU) concluded that Annex II of Directive 2012/34/EU of the European Parliament and the Council of 21 November 2012 establishing a Single European Railway Area, shall be construed as meaning that "passenger platforms", mentioned in Annex I of this Directive, are one item of the railway infrastructure, the use of which is included in the minimum access package of services, pursuant to point

1 (c) of said Annex II. In France up to now, conditions of access and prices for service facilities had fallen under the regulation applicable to service facilities and shall therefore need to be amended accordingly by the State. Until then, SNCF Réseau and its subsidiary SNCF Gares & Connexions have dealt accordingly in view of the consequences of this case law decision and have amended their respective Network Statements for the 2020 and 2021 Timetables (in the NS for SNCF Réseau and in the Passenger Stations Statement (DRG) for SNCF G&C).



FOCUSING ON

CONDITIONS OF USE OF PASSENGER STATIONS: THE REQUEST FOR SERVICES IN PASSENGER STATIONS IS A STRATEGIC STEP TO BE PROCESSED IN PARALLEL WITH ORDERING TRAIN PATHS

Requests must be submitted in advance. Requests placed after set deadlines will be processed by SNCF Gares & Connexions as expeditiously as possible.

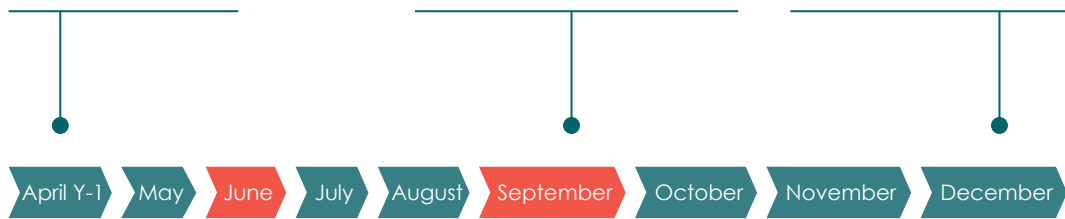
The usual procedure for a standard request for access to a train station is described below:

Slotting your requests into the working timetable

8 months before start of working timetable, the Rail Undertaking sends SNCF Gares & Connexions an indicative list of stations where it wishes to stop.

At the latest in September, for a repeat service, the Railway Undertaking sends firm order (after train path confirmation).

2nd Saturday of December at midnight, requested services are released by SNCF Gares et Connexions.



Slotting your requests outside the working timetable

At least 6 months before planned start of service, the Railway Undertaking sends in its request.

6 months later

Requested services are released by SNCF Gares et Connexions.

Contact points

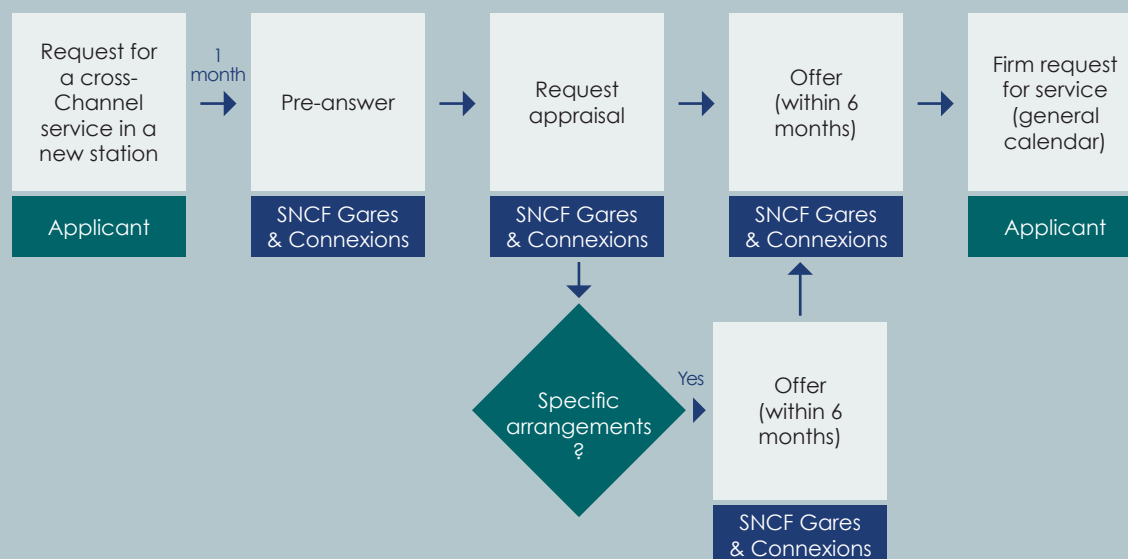
For all information requests on access or services, RUs must send a letter, a fax or an e-mail to the one-stop shop called *Guichet d'accès aux Gares pour les Entreprises Ferroviaires* — GGEF— at the following address:

Guichet d'accès aux Gares pour les Entreprises Ferroviaires
SNCF – Gares & Connexions
DIRECTION DES SERVICES ET DES OPÉRATIONS
16 avenue d'Ivry – 75013 PARIS
TÉL : +33 (0) 1 80 50 92 95
EMAIL : guichet.gares@sncf.fr



FOCUSING ON

When an additional passenger station is added to a cross-Channel route, standard deadlines do not apply. The procedure is the following:



Applications for premises or spaces in stations are to be submitted as early as possible. They are not governed by the same deadlines. SNCF Gares & Connexions acknowledges receipt of a completed application within 3 weeks and returns a reasoned reply within 3 months.

Contractual arrangements with SNCF Gares & Connexions

Access and services supplied by SNCF Gares & Connexions are subject to the signing of a contract.

Terms and conditions of access to passenger stations are available in Annex A10 of the Passenger stations Statement (DRG).

For further information:

The invoicing principle based on operational management perimeters is described in Article 13-1 of French Decree No. 2003-194 on the use of the rail network.

Principles governing price lists and charges

Generally speaking, services supplied in passenger stations by SNCF Gares & Connexions involve the levying of charges. Amounts invoiced shall not be higher than the cost of these services plus a reasonable profit⁷.

The price list for these services is to be found in Annexes A1 and A2 of the Passenger Stations Statement (DRG).

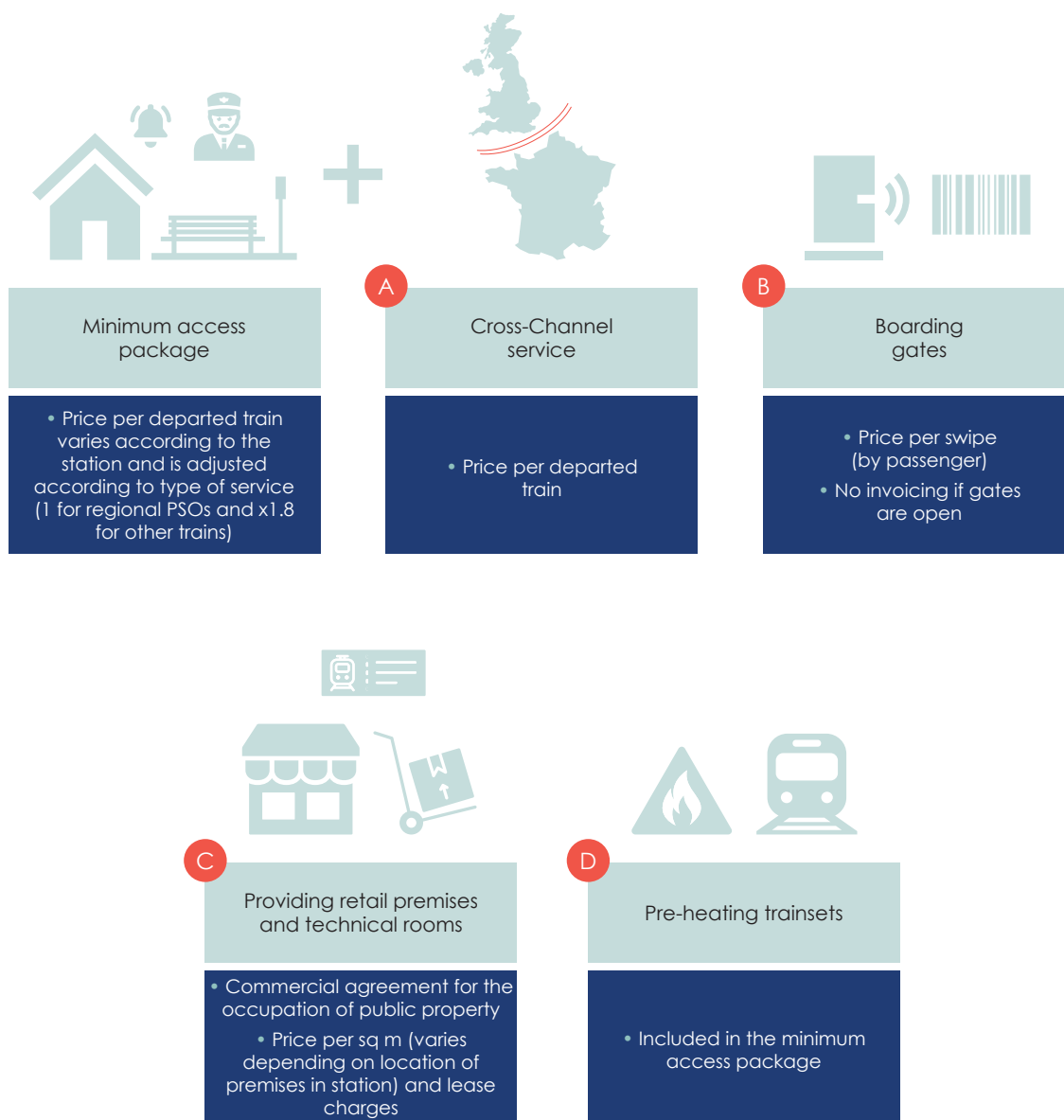
The minimum access package is invoiced per train departure, i.e. for each train departure from a rail station and for each commercial stop-over where passengers are able to board and de-train. Prices are set per passenger station for larger stations or per sets of fairly comparable stations in a same geographic area. Prices vary according to the type of service (regional PSO or other type of service).

⁷ See Article 4 of French Decree No. 2012-70 of 20 January 2012 on rail network service facilities.

The cross-Channel service is also invoiced per train departure. The other services are invoiced per passage through boarding gates and, for the provision of premises, per square meter. Each automatic ticket vending machine (ATVM) counts for one square meter.

A bonus-malus type mechanism has been set up based on service quality indicators. It increases or decreases the minimum package charge based on whether these indicator objectives have been reached or not, e.g. availability of lifts, cleanliness, customer satisfaction, etc. These indicators, their related objectives and the financial incentive mechanism that follow on from ART's Decision No. 2017-008, were submitted to a specific consultative body in June 2017 and can be found in the Passenger stations Statement (DRG).

After a full year, an invoicing update will increase or decrease the charges invoiced, by producing a credit or an additional invoice, thus taking into account the bonus-malus mechanism as well as adjustments based on the volume of services actually carried out. The minimum access package charge for some stations can also be lowered. This also applies to boarding gates for which actual investments were lower than forecasted. An updated invoice due to differences with forecasted figures, applies to the following services: the minimum access package, the cross-Channel service and the provision of boarding gates.





Case No. 1

A train operating the railway link between Paris Gare de Lyon and Lyon Part-Dieu (with no stop-over), using boarding gates in Paris Gare de Lyon and in Lyon with 400 passengers per train on average, with 2 automatic ticket vending machines (ATVMs) in Paris, plus 2 in Lyon.

| | Paris Gare de Lyon | Lyon Part-Dieu |
|--|-----------------------------|----------------------------|
| 2020 TT | Paris to Lyon | |
| Minimum access package | €604.87 | X |
| Boarding gates | $400 \times 0.089 = €35.60$ | X |
| Per train | €640.47 | |
| | Lyon to Paris | |
| Minimum access package | X | €114.99 |
| Boarding gates | X | $400 \times 0.023 = €9.20$ |
| Per train | €124.19 | |
| | Ticketing costs | |
| Automatic ticket vending machine (can be used for any destination), per year | $2 \times 1,698 = €3,396$ | $2 \times 1,219 = €2,438$ |



Case No. 2:

A train operating the railway link between Paris Gare de Lyon and Saint-Étienne (with a stop-over in Lyon), using boarding gates in Paris Gare de Lyon and in Lyon with 500 passengers per train on average – 100 travel the Saint-Étienne to Paris route and 400 the Lyon to Paris route.

| | Paris Gare de Lyon | Lyon Part-Dieu | Saint-Étienne |
|------------------------|-----------------------------|----------------------------|---------------|
| 2020 TT | Paris to Saint-Étienne | | |
| Minimum access package | €604.87 | €114.99 | X |
| Boarding gates | $500 \times 0.089 = €44.50$ | $0 \times 0.023 = €0$ | X |
| Per train | €764.36 | | |
| | Saint-Étienne to Paris | | |
| Minimum access package | X | €114.99 | €136.20 |
| Boarding gates | X | $400 \times 0.023 = €9.20$ | X |
| Per train | €260.39 | | |



Case No. 3:

A train operating the railway link between Paris Gare de l'Est and Strasbourg (with no stop-over), with 300 passengers per train on average, using boarding gates in Paris and 2 Automatic Ticket Vending Machine (ATVM) in Paris, plus 2 in Strasbourg.

| | Paris Gare de l'Est | Strasbourg |
|---|-----------------------------|---------------------------|
| 2020 TT | Paris to Strasbourg | |
| Minimum access package | €343.75 | X |
| Boarding gates | $300 \times 0.121 = €36.30$ | X |
| Per train | €379.05 | |
| | Strasbourg to Paris | |
| Minimum access package | X | €117.58 |
| Boarding gates | X | X |
| Per train | €117.58 | |
| | Ticketing costs | |
| Automatic Ticket Vending Machine (ATVM), per year | $2 \times 1,309 = €2,618$ | $2 \times 1,301 = €2,602$ |



Case No. 4:

A train operating the railway link between Paris Gare de l'Est and Colmar (with a stop-over in Strasbourg), with 350 passengers per train on average, of which 50 travel the Colmar to Paris route and 300 the Strasbourg to Paris route, using boarding gates in Paris.

| | Paris Gare de l'Est | Strasbourg | Colmar |
|------------------------|----------------------------|------------|--------|
| 2020 TT | Paris to Colmar | | |
| Minimum access package | €343.75 | €117.58 | X |
| Boarding gates | $350 \times 0.121 = 42.35$ | X | X |
| Per train | €503.68 | | |
| | Colmar to Paris | | |
| Minimum access package | X | €117.58 | €91.10 |
| Boarding gates | X | X | X |
| Per train | €208.68 | | |

7. Sidings for marshalling, shunting and stabling trains

➔ Where are sidings located in France? Where can trains be stabled? What is the procedure to book sidings? What are the applicable rates?

List of sidings made available by the infrastructure manager

SNCF Réseau owns a number of sidings that can be used for various purposes: shunting, marshalling trains and stabling trains; inspecting rolling stock between two journeys; cleaning; and light maintenance.

Some sidings cannot be leased because they are needed for RFN works and maintenance needs or for operational traffic management .

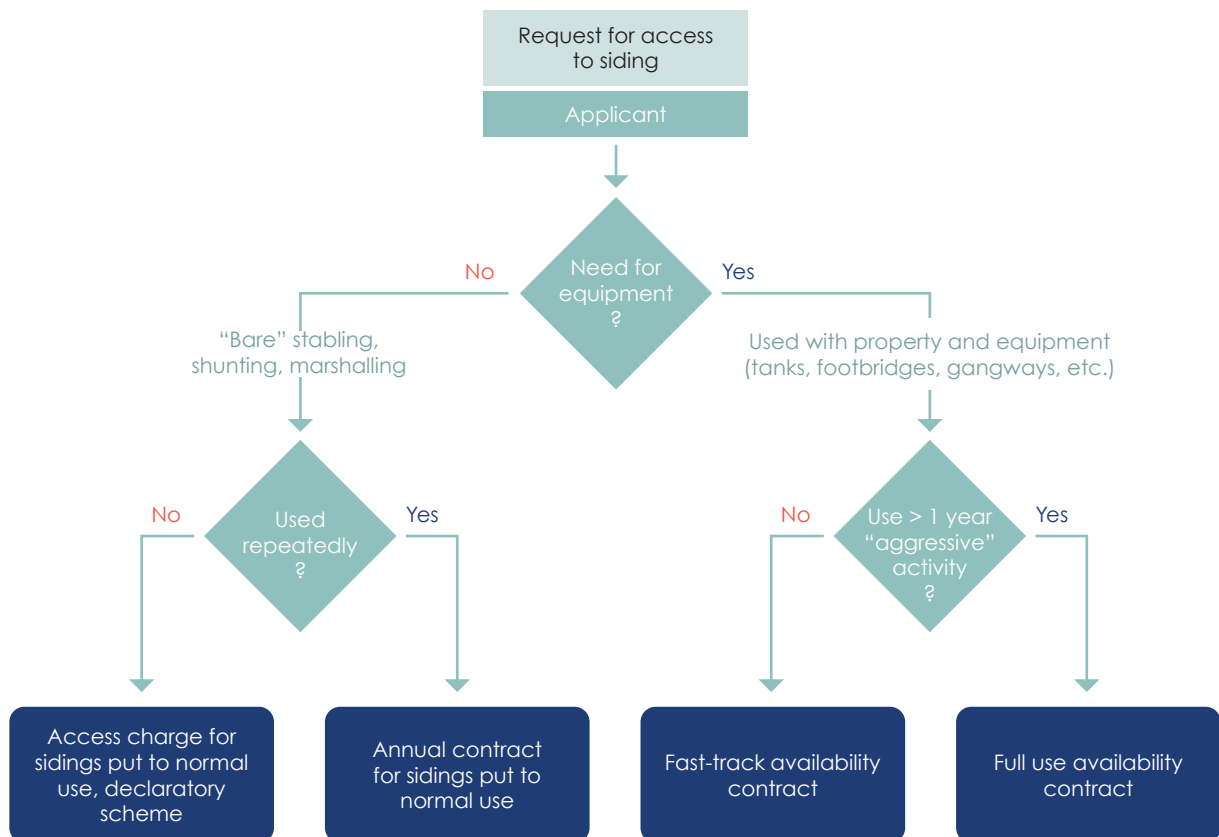
Access to sidings depends on their condition.

For further information

The list of marketable sidings, with their specificities (length, electrification, etc.) is published on the SNCF Services Platform website (PSEF).

Types of sidings made available by the infrastructure manager

Depending on the use of the tracks, and in particular, depending on whether the tracks are connected to property or fixed equipment, SNCF Réseau will offer different types of contracts.





PLEASE NOTE

There is, at present, no specific offer for stabling sidings only, whether from SNCF Réseau, from SNCF Voyageurs, from Fret SNCF or from any other player. Their use is included under the normal use of service sidings as provided for in the NS published by SNCF Réseau. If the primary use of these stabling sidings is only for temporary stabling of train vehicles between two journeys and the primary use of the work sidings is for train shunting and marshalling, and temporary stabling upstream and downstream of these operations, certain sidings have in fact a mixed use (non-dedicated tracks).

Work authorised on rolling stock is limited when sidings are in normal use of (technical inspections, train inspections: findings, recognition), light maintenance operations on equipment carried out with portable tools and without removing equipment or placing materials on the ground (i.e. minor adjustments, cleaning operations at easily accessible areas). For anything beyond these simple tasks, a siding availability contract must be signed with SNCF Réseau.

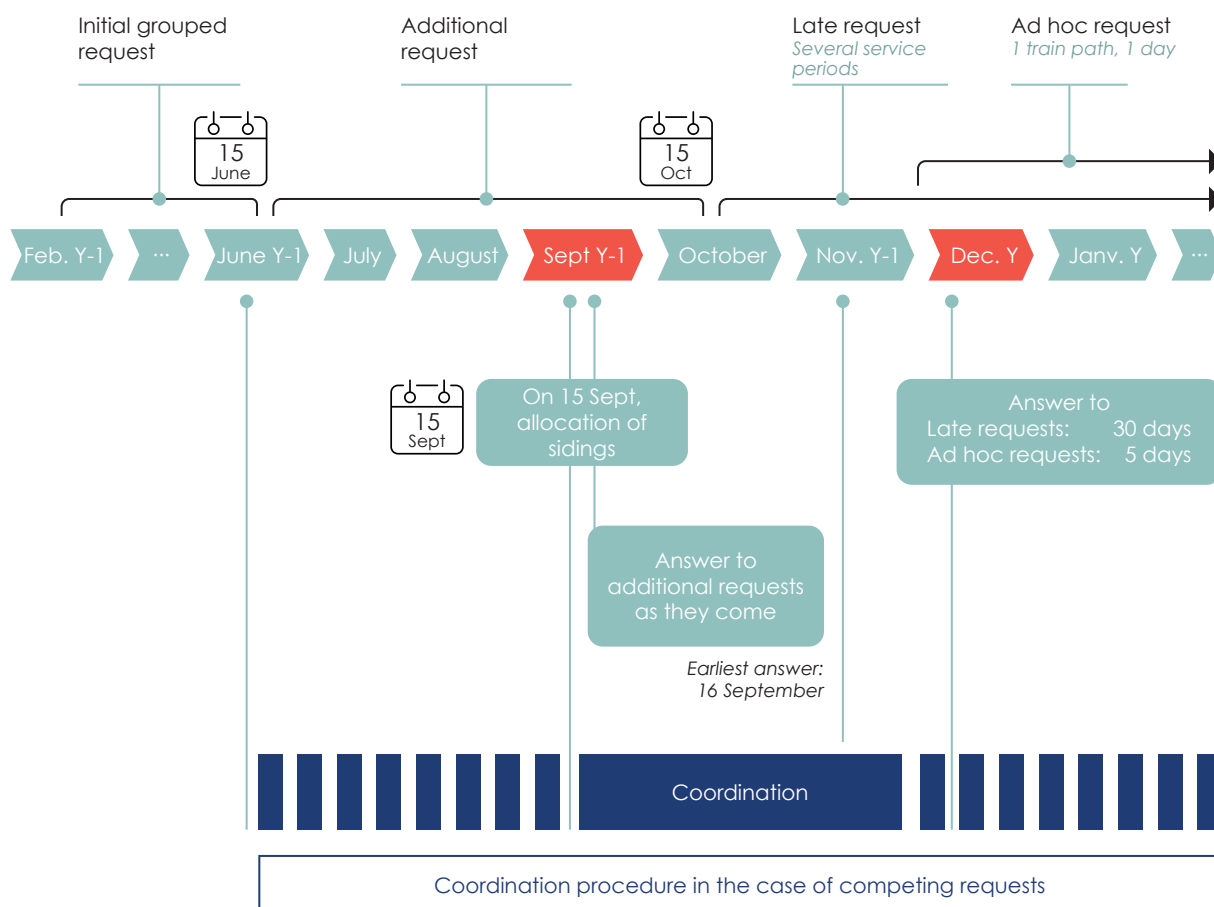


FOCUSING ON

PROCEDURE FOR THE ALLOCATION OF SIDINGS

Sidings for normal use can be leased by “blocks”, i.e. allocated per year as a minimum set of sidings for technical consistency, e.g. upstream from points; or “of dynamic use” when sidings are temporarily shared between several railway undertakings. SNCF Réseau is working on reducing the size of these blocks in the years to come, in order to tailor the offer more adequately with the demand.

SNCF Réseau sets the 15th of June preceding the working timetable as the annual date before which to apply for the allocation of sidings “put to normal use”. When requests arrive at a later date, it is the date when the application was made that counts as one of the priority criteria taken into consideration during the coordination procedure in case of competing applications.



How to formalise siding allocation requests or return of capacity?

Siding allocation requests shall be formalised using the "Expression of Needs Form" (ENF) to be sent to account managers of SNCF Réseau or PSEF. Siding capacity can be returned anytime by using the "Siding Return Form" (SRF).



FOCUSING ON

SIDING ALLOCATION PROCEDURE

When the request for siding access conflicts with other requests, SNCF Réseau implements a coordination procedure. In such a situation and as of the 2021 TT, SNCF Réseau organises a consultation meeting within 40 calendar days (within 30 days for the 2022 TT), for which, 15 calendar days before the meeting (7 days before for the 2022 TT), the access applicant must submit **a detailed programme of all activities planned for the sidings requested from SNCF Réseau**. Following the meeting(s), SNCF Réseau arbitrates on the matter within 15 calendar days. At sites where space is limited, SNCF Réseau can organise a "Site Committee" to seek out a consensus. The final decision however, remains with SNCF Réseau.



FOCUSING ON

USING THE GOST TOOL

GOST is a software tool used to monitor the occupation of blocks of sidings. At the release date of this guide, 29 sites have rolled out GOST v.2. Railway undertakings file their request for siding capacity or for the return of capacity via this software. RUs raise a request at the time of the working timetable adaptation phase. Railway undertakings that need access to GOST are sent a web link. SNCF Réseau answers requests and allocates siding space based on on-site availability.

Charges applicable to the use of sidings

For the 2021 working timetable, the SNCF Réseau siding charges are invoiced differently depending on whether the railway undertakings offer passenger transport services or freight services. The invoicing depends (a) on the number of trains accessing the site, and (b) on the linear length of sidings reserved by the applicant.

For the 2021 working timetable, the charge invoiced to a passenger transport railway undertaking for the use of a block of sidings is €4.00 per train accessing this block and €30.00 per kilometre of siding and per day reserved by the applicant.



PLEASE NOTE

Under the 2021 working timetable, a railway undertaking booking for a year (364 days) a 500m long siding which 2 trains access for stabling every day: the invoice would be computed as follows:

- Component A (depending on the number of trains accessing the site)
 $364 \times 4 \times 2 = €912$
- Component B (depending on the linear length of the sidings)
 $0.5 \times 364 \times 30 = €5,460$

Total per year: €6,372

8. Accessing rolling stock maintenance facilities

➔ Which maintenance centres are dedicated to passenger trains in France? How can their service providers be contacted? What is the procedure for trains to be cleaned? How have SNCF Voyageurs and Fret SNCF structured the Maintenance Reference Portfolio (ORM) of services offered at their maintenance facilities for passenger vehicles?



FOCUSING ON

Maintenance operations carried out at maintenance facilities fall under:

- “asset” maintenance, also referred to as “heavy” maintenance, which, under European legislation, encompasses “work that is not carried out routinely as part of the day-to-day operations and requires the vehicle to be removed from service”. Such preventive or corrective operations fall under levels 4 and 5 of French Standard NF X60 000 for industrial maintenance and for maintenance construed as a function, or
- “operational” maintenance, also referred to as “light” maintenance, which encompasses operations carried out as part of regular

rotations by the railway undertaking. Such preventive or corrective operations fall under levels 1 to 3 of French Standard NF X60 000.

Depending on the maintenance contractors, these operational and asset maintenance operations are carried out, either at the same site (which is often the case at facilities dedicated to freight rolling stock) or are carried out at specialised facilities. For example, SNCF Voyageurs and Fret SNCF differentiate between (a) maintenance facilities where operational maintenance operations are carried out, and (b) industrial maintenance centres dedicated to asset maintenance.

Maintenance operations may be carried out in one of two ways:

- Through “access to the site only”: the maintenance centre operator makes facilities available to the railway undertaking and the RU is in charge of executing the maintenance operations (performed either by the RU’s own staff or by a sub-contractor), and where relevant, by sharing the activity with other operators,

- Through “access to the site and to maintenance services”: in this case, dedicated teams of the maintenance centre operator carry out the maintenance work.

Access procedures and services made available to railway undertakings at maintenance facilities and centres may vary according to the facility manager’s status (entity in charge of maintenance (ECM) or not; if it is an ECM, then maintenance tasks must be specified).



FOCUSING ON

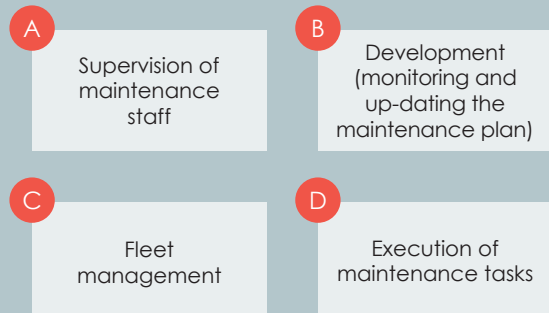
ECM/ECE

An Entity in Charge of Maintenance (ECM) (in French ECM or ECE) is a company in charge of the maintenance of trains.

Each rail vehicle running on RFN, motorised or not (locomotive, powered rail car, self-propelled train, passenger carriage, freight wagon, etc.) must be affiliated to an ECM (certified or not depending on the situation), responsible for guaranteeing the good condition of rail vehicles.

The assigned ECM is not necessarily the railway undertaking operating the train or the owner of the rail vehicles involved.



The ECM's 4 tasks



Who is involved in maintenance?

SNCF Voyageurs and Fret SNCF are not the only owners and managers in France, of infrastructure and maintenance facilities for rolling stock. As shown below, there are a number of other players who own and operate maintenance facilities dedicated to rolling stock. However up to now, these third-party player activities have focused mostly on locomotive and freight rolling stock maintenance.

The ART has identified 18 players managing maintenance facilities dedicated to locomotives – of which 17 offer operational maintenance services and 10 asset management services.

| LOCOMOTIVE  | |
|---|--|
| OPERATIONAL MAINTENANCE | ASSET MAINTENANCE |
|                   |           |

In terms of passenger rolling stock maintenance services, the number of players is far more limited at present. Except for a very small number of light maintenance facilities operated by Thello (roof inspection gangways, etc.), SNCF Voyageurs and Fret SNCF hold virtually all operational maintenance facilities available to passenger trains. There are other players on the

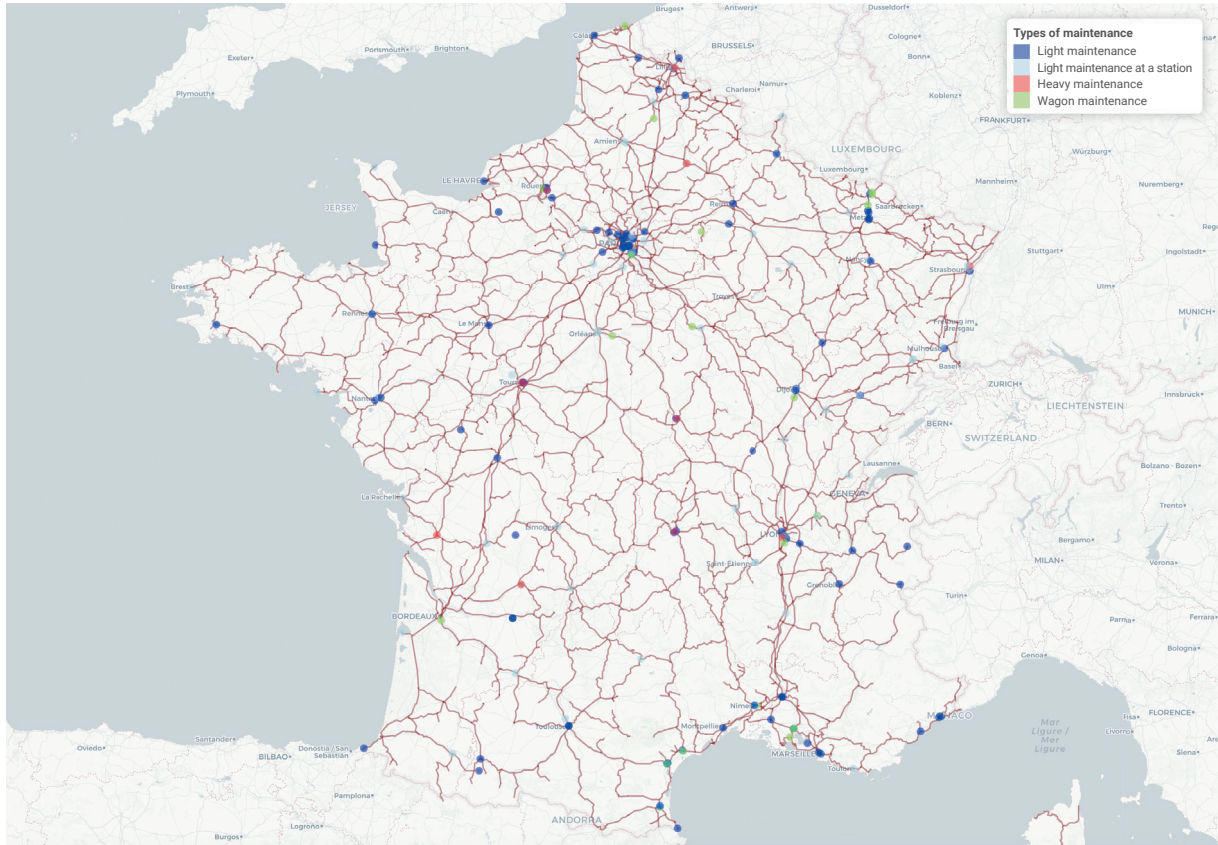
market with an asset maintenance offer – Alstom, Bombardier, CAF and ACC. But with the opening up to competition of domestic rail passenger transport services, infrastructure operators of maintenance centres dedicated to locomotive maintenance could very well develop maintenance activities targeting rolling stock vehicles.

| PASSENGER ROLLING STOCK  | |
|--|--|
| OPERATIONAL MAINTENANCE | ASSET MAINTENANCE |
|     |      |

Where are the maintenance centres located?

SNCF Voyageurs and Fret SNCF operate a large number of maintenance facilities throughout France, for both light and heavy maintenance. SNCF Voyageurs also operates light maintenance facilities close to some of the passenger stations. These facilities are all pinpointed on a map available on the PSEF website, highlighting **SNCF Voyageurs** and **Fret SNCF** facilities separately.

The maintenance facilities of other service facility operators are geographically located on the interactive clickable version below:



The Maintenance Reference Portfolio (ORM) published by SNCF Voyageurs describes the offering available at its maintenance facilities. Because of the subsidiary status of Fret SNCF and the transfer of some of its maintenance facilities, Fret SNCF has also published an equivalent document entitled Maintenance Reference Statement (DRM).

These documents spell out requirements (charges and other) for accessing SNCF Group maintenance facilities. Appendices 2a, 2b and 2c of the 2021 ORM and NS respectively list the covered and open-air premises of the SNCF Voyageurs light maintenance facilities, and the industrial maintenance centres. Appendices 2a and 2b of the DRM give a detailed list of all light maintenance facilities operated by Fret SNCF at either covered or open-air premises.

To make use of the SNCF offers for maintenance work, contact must be made through the SNCF Services Platform (PSEF). The first step is signing a framework contract (a "National contract for accessing the service facilities at maintenance centres and the services offered at those facilities").

Applying for this national contract must be done at the latest 2 months prior to the target date for access to the facility and to services and after requests for train paths. Within a month, PSEF will submit a contract proposal and the applicant will have a month to study, sign and return the contract to PSEF.

Once the national contract is signed, requests for services or access are only sent to the PSEF platform in its capacity as go-between with the maintenance centres. Requests for planned services must be filed 6 months before the start of the working timetable. PSEF answers the applicant within 30 days following the request application. Requests for unplanned operations are done on a continuous basis and are taken into consideration based on the SNCF Voyageurs workload schedule. PSEF has 2 days from the request to assess whether a compatibility study is needed and, if necessary, request additional information. PSEF then has 10 days to carry out this compatibility study. SNCF Voyageurs does not commit to a deadline by which to supply services, except in the case of reprofiling for which SNCF Voyageurs is committed to supplying a solution within 14 days.

The table below summarizes the various services listed in the reference documents for regulated maintenance offers made by SNCF Voyageurs and Fret SNCF, i.e. the Maintenance Reference Portfolio (ORM) and the Maintenance Reference Statement (DRM) respectively. Pricing procedures are also included. The rates charged are set to not be higher than the cost of the associated services, plus a reasonable profit.

| Service | Description | Rates |
|--|---|--|
| Compatibility study between rolling stock and maintenance centre facilities | Study assessing compatibility between a rolling stock series (or sub-series) and a given facility. Carried out during first entry of a new rolling stock at a facility. | Compatibility study is free of charge. Tests carried out based on a quote compliant with the applicable charging scheme. |
| Piloting services | Providing piloting services to the third-party RU driver through the premises of SNCF Group maintenance centres. | Rate per access and egress (with differing charges depending on maintenance centres and the nature of operations carried out at these facilities). |
| Access | Provision of a facility at SNCF maintenance centre premises. Rates vary depending on the maintenance centres. | Hourly rates. |
| Light maintenance | Maintenance operations carried out by SNCF Voyageurs or Fret SNCF teams. | Charged per basic task: differing rates depending on the maintenance centre or based on a quote. |
| Heavy maintenance | Maintenance operations carried out by SNCF Voyageurs or Fret SNCF teams (including maintenance of repairable parts). | Rates based on a quote. |
| Supply of spare parts and consumables | Varies depending on the ECM level granted to SNCF Voyageurs or Fret SNCF by the RU. | Rates based on individual spare parts. |

Examples of prices charged (drawn from the 2021 Maintenance Portfolio):



Leasing of an open-air track, fitted with a pit (length from 30m to 150m): **from €10.68 to €69.17 per hour, depending on the maintenance centre**



Leasing of covered premises (length from 30m to 150m): **from €7.20 to €38.80 per hour, depending on the maintenance centre**



Leasing of covered premises with a pit jack: **from €30.05 to €579.85 per hour, depending on the maintenance centre**



Axle reprofiling: **from €206.90 to €933.61 per axle, depending on the maintenance centre**



Train roof inspection: **from €19.75 to €38.14 per intervention, depending on the maintenance centre**



Train movement for a simple access and egress (access for one's own account with no additional services) of an electric self-propelled train: **from €78.76 to €153.42 per access and egress, depending on the maintenance centre**

Supply of spare parts and consumables

SNCF Voyageurs and Fret SNCF supply the consumables referenced in their catalogue (Appendix 6 of ORM 2021), whether maintenance is executed for one's own account or by SNCF Voyageurs or Fret SNCF.

Carrying out the inspection and repair work of repairable parts on equipment is only offered when SNCF Voyageurs (or Fret SNCF) is the rolling stock maintenance provider. Two situations may then arise:

- **SNCF Voyageurs (or Fret SNCF) is the prescriber of the applicant's maintenance task:** the carrying out of that service is done according to SNCF Voyageurs's directives.
- **SNCF Voyageurs (or Fret SNCF) is not the prescriber of the applicant's maintenance task:** the carrying out of that service is done according to the applicant's directives.

Refuelling

The three options for refuelling thermal rolling stock are:

- At service stations managed by SNCF Combustible or by third parties
- Refuelling directly from a road tanker parked alongside the train
- Refuelling from a fixed tank

Refuelling directly from a road tanker parked alongside the train or from a fixed tank is possible if the environmental regulations are followed and after prior agreement from SNCF Réseau has been granted once the IM has checked that any other relevant condition in the NS is justified.

Refuelling directly from a road tanker parked alongside the train: this type of refuelling is organised with fuel suppliers and local retailers who bring the fuel in a road tanker to a pre-determined meeting point.

Refuelling from a fixed tank: a fixed tank can be secured on a service track at a suitable non-electrified siding. The applicant who has made the request must cover all costs ensuing from any necessary rail or road modifications.

Refuelling stations managed by SNCF Combustible can be directly accessible or not, to and from the national rail network (RFN). As stated in the Rail Network Statement (NS), service offers at refuelling points as well as relevant technical data are available at www.psef.sncf-reseau.fr/produits-et-services/stations-service. All requests for refuelling shall be channelled through the PSEF platform.

Refuelling stations linked directly to the RFN by outbound or inbound tracks, do not require access inside a maintenance centre, nor do they require complex shunting operations (e.g. "moving a locomotive from the front to the back of the train"). Piloting assistance to bring a rail vehicle into this type of station is available. Access and egress costs will depend on the refuelling station (from €20 to €30.6 for the 2021 Timetable).

Refuelling stations that aren't directly accessible require access inside the maintenance centre and/or complex shunting operations. Accessing these stations calls for piloting assistance since the rolling stock must be driven by a certified driver for a fee per access and egress. These costs can be avoided by training drivers to become autonomous. The piloting costs depend on the refuelling facilities (from €21 to €102.3 for the 2021 Timetable). The cost for a refuelling service autonomy training session is €271 for the theoretical side of training and €151 for practical training, i.e. a total of €422 (2021 TT).

For further information

A list of detailed fuel prices is available at https://www.psef.sncf-reseau.fr/sites/psef.sncf-reseau.fr/files/tarif_dist_go_2021_0.pdf.

Operational security

The internal SNCF security department — commonly referred to as "la Sûreté" (Security), may be called upon to carry out security missions in and around trains, benefiting passengers. These services are described in the **SNCF security reference and pricing document**.

Contact is through guichet.surete@sncf.fr. A preliminary order is placed, then a contract is signed with "Sûreté" for a given number of forecasted hours and a target price, which is then invoiced over one year with monthly smoothing. During the 4th term, the balance is drawn based on the number of worked hours, applying the hourly rate of €84.13 for the 2020 working Timetable.

9. Procedure for rolling stock access

➔ **What procedure should rolling stock follow to access the infrastructure? Who are the key players that need to be known?**

The only rolling stock that can access the railway network are vehicles in possession of (a) a railway vehicle type authorisation, and/or (b) a railway vehicle authorisation for placing on the market (AMM), and (c) all other relevant documents certifying that verifications prior to railway vehicle use have been carried out.

How to obtain (a) the railway vehicle authorisation for placing on the market, (b) the railway vehicle type authorisation, and (c) the vehicle registration?

These authorisations are the result of decisions made by the following entities:

- EPSF, the French Public Establishment of Rail Safety, within 3 months and 2 weeks after completeness of the application is duly established; or the European Union Agency for Railways (ERA) within 4 months for railway vehicles to be used exclusively on the domestic railway system.
- ERA, the European Union Agency for Railways, with the same deadline as above, for railway vehicles to be used on the railway system of one or more Member States. ERA calls upon the relevant National Safety Authorities (NSAs) to assess the national aspects of these applications.

For further information

The requirements that the applicant shall observe to obtain a railway vehicle type authorisation and/or a railway vehicle authorisation for placing on the market are notably set in Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to European Directive (EU) 2016/797 of the European Parliament and of the Council.

Applications for these railway vehicle authorisations specify the following: technical characteristics, conditions of use, area of use, and maintenance obligations. The object of this procedure is to demonstrate compliance with safety and interoperability regulations.

A railway vehicle type authorisation is based on the assurance that the applicant and each entity involved in the design, manufacture, inspection and validation of the vehicle have fulfilled their obligations and responsibilities to ensure compliance with the essential requirements set down in the legislation, the latter authorising, notably, the placing on the market of vehicles compliant with this approach.

The European Register of Authorised Types of Vehicles (ERATV) (visit <https://eratv.era.europa.eu/ERATV>) lists the types of vehicles authorised in each European Union Member State. An “authorised type” specifies requisite design characteristics of a vehicle, particularly its safety features and, where relevant, its interoperability specificities.

A vehicle authorisation for placing on the market is based on the assurance that the applicant and each entity involved in the design, manufacture, inspection and validation of the vehicle have fulfilled their obligations and responsibilities to ensure either compliance with the essential requirements set down in the legislation or with an “authorised type”. The vehicle authorisation for placing on the market sets out:

- The area of use: the network or networks within a Member State or group of Member States in which the vehicle is to be used.
- The parameter values defined in the Technical Specifications for Interoperability (TSIs) and, when applicable, in the national rules, to check technical compatibility between vehicle and area of use.
- The compliance of the vehicle with the TSIs and all the corresponding national rules, in light of the parameters mentioned in the previous paragraph.
- The conditions governing the use of the vehicle and other restrictions.

The technical reference document applicable to the design and manufacture of a vehicle is available in the Reference Document Database (RDD) on the ERA website (available through the following link: <https://rdd.era.europa.eu/RDD/>).

For further information

For more information on these regulatory procedures, contact can be made with EPSF, the French National Safety Authority, or with ERA. Also noteworthy is the fact that the RDD is bound to disappear and be replaced by the Single Rule Database (SRD) pursuant to Article 27 of European Regulation 2016/796.



PLEASE NOTE:

French Decree No. 2019-525 provides that the extension of a rail vehicle's area of use calls for an updated authorisation covering the extended area of use. It entails that all vehicles authorised in accordance with the previous legal arrangements, i.e. based on an Authorisation for entry into commercial use (AMEC), will need a new "Authorisation for placing on the market" if they are to run on networks that have not been included in the initial authorisation.

A rail vehicle must be registered before its first run. An application for the vehicle's registration can be made in any Member State within the vehicle's area of use. In France, EPSF is the entity in charge of registrations. The list of documents to produce for a registration application dossier was set by European Commission Implementing Regulation (EU) No. 2018/1614 of 25 October 2018 drawing up the specifications for vehicle registers. A National Vehicle Register is kept by each European country until the European Vehicle Register goes live on 16 June 2021 at the latest (visit at https://www.era.europa.eu/registers_en#evr). Finally, the European Vehicle Number (EVN) shall be inscribed on the rail vehicle.

For further information

Arrangements both for the delivery of a Vehicle authorisation for placing on the market, and for its registration, are set in Articles 157 to 189 of French Decree No. 2019-525, transposing Articles 21, 22 and 47 of European Directive 2016/797 (EU) on the interoperability of the rail system. On their respective websites, ERA and EPSF have provided specific guidance and FAQ sections to help the industry players (for AFE visit https://www.era.europa.eu/can-we-help-you/contact-us-0_en#Vehicleauthorisation, https://www.era.europa.eu/registers/evr_en. For EPSF visit <https://securite-ferroviaire.fr/nos-activites/delivrer-les-autorisations>).

What does verification prior to the use of a vehicle mean?

Verifying vehicle compatibility with its route is a prerequisite that the railway undertaking must establish before said vehicle is used. This is a prerequisite for accessing the RFN and is described in the Network Statement (item 2.7 of SNCF Réseau's 2021 NS and item 3.4 of SNCF Réseau's 2022 NS), in compliance with the provisions of Article 23 of European Directive 2016/797 (EU) and transposed in Article 190 of French Decree No. 2019/525 on safety and interoperability of the railway system. Parameter values listed in the vehicle authorisation for placing on the market (AMM) are deemed reference data for the vehicle. Vehicle compatibility checks are carried out based on the following:

- Parameters provided in the infrastructure register (the RINF i.e. the French National Register of Railway Infrastructure)
- Applicable Technical Specifications for Interoperability (TSIs)
- Other information supplied free of charge by the IM when the RINF is incomplete (in particular drawn from the operational documents and provided by SNCF Réseau via the "DOC EXPLORE" IS)



FOCUSING ON

RINF – THE FRENCH NATIONAL REGISTER OF RAILWAY INFRASTRUCTURE

RINF draws a catalogue of technical characteristics of the networks of all the Members States. It is used as a master database, against which railway undertakings may verify the compatibility of their railway vehicles. The parameters of each network subsystem or part of a subsystem making up the RINF are defined in the Implementing Regulation of 16 May 2019 on the Technical Specifications for Interoperability applicable to the Railway Infrastructure Register. Concerning the networks located in France, the Register is populated, updated and published by SNCF Réseau, without prejudice to the responsibility of each infrastructure manager to supply and ensure the quality, and timeliness of all data for which they are accountable. As soon as the ERA-run RINF application will allow, it will be expected of each infrastructure manager to provide and update the parameters concerning their own network. https://www.era.europa.eu/registers_en

Concerning the parameters to be verified as provided for in the Appendices of the 2019/773 TSI applicable to traffic operation and management, SNCF Réseau has designed 6 procedures accessible through its website. Also, any additional parameter deemed necessary should be requested from the IM.



Who is responsible for the compatibility between a vehicle and its route?

Article 23 of European Directive (EU) 2016/797 of 11 May 2016 on the interoperability of the rail system within the European Union and the transposition of these arrangements in French Decree No. 2019-525, have transferred to the railway undertaking the responsibility of verifying vehicle compatibility. This responsibility used to fall to the infrastructure manager. Whenever the RINF proves incomplete, it is however the IM's responsibility to supply free of charge and within a reasonable timeframe, all relevant information required by a railway undertaking to allow it to carry out this inspection. A reasonable timeframe means within 15 days, unless otherwise agreed between the IM and the RUs in compliance with European Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem. Within this framework, it is acceptable for railway undertakings to call upon the services of a sub-contractor to carry out this inspection. Starting with its 2019 NS, SNCF Réseau introduced an option to sell such inspection services.



PLEASE NOTE

The RINF Implementing Regulation has set an agenda that runs through to 1st January 2021, for completion of the register parameters. Following the health-crisis, a new schedule was drawn up, and monitoring of the register's completeness has been entrusted to ERA. SNCF Réseau has made available to railway undertakings a guide for the verification of railway vehicle compatibility and offers training courses to lead compatibility studies. It also offers inspection procedures for six additional complex parameters.

Link to this guide in French: <https://www.sncf-reseau.com/fr/entreprise/newsroom/cp/ig02043-guide-usage-entreprises-ferroviaires-verification-compatibilite-entre-vehicule-et-itineraire>.

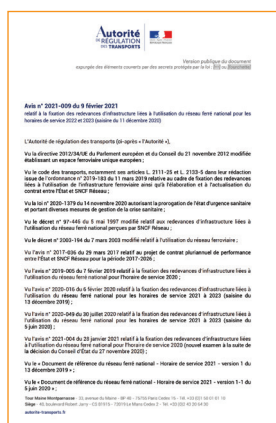
ART recommends that each player monitor carefully all future compatibility verification amendments, checking both for the gradual inclusion of new parameters in the RINF, and for the evolving nature of the core documentation perimeter. ERA is currently developing a "route request" tool that will automatically allow to verify several parameters related to vehicle and route compatibility.

ART — ITS ROLE AND REFERRAL PROCEDURES

➔ **Which regulation actions and control actions of the national rail transport system are carried out in France by the Authority, benefitting both the users and the clients of rail transport systems?**

In the present context of opening up domestic rail passenger transport services to competition, one of the Authority's key objectives is ensuring that access conditions to the rail network and service facilities are fair, non-discriminatory and transparent. The Authority's missions are therefore organised around four major tasks:

1. Taking action on the rules governing the railway system



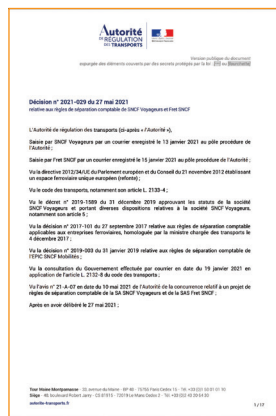
Within this context, and in accordance with the principles and regulations applicable to the setting of charges, the Authority issues binding opinions on the setting of infrastructure charges associated with the use of the national railway network, on the setting of charges for accessing passenger stations and service facilities as well as all regulated services supplied therein.

In addition, the Authority renders reasoned opinions on the National Rail Network Statement, and more specifically on the non-tariff conditions of access to the infrastructure managed by SNCF Réseau and LISEA and to the SNCF Réseau service facilities. In the context of rendering opinions, the Authority also takes position with regards to the draft contract and draft updated performance contracts drawn up between the State

and SNCF Réseau, as well as to any draft regulation text concerning access to the railway network, to the design, construction and use of the infrastructure and rail transport equipment.



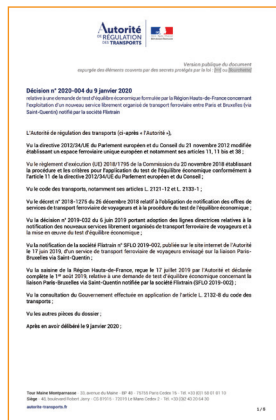
2. Verifying observance of the rules for the separation of accounts



The Authority approves the rules for the separation of accounts of companies carrying out the tasks of infrastructure management, and of operating service facilities or railway undertakings. The Authority specifies the legal framework applicable to obligations in matters of separation of accounts.

3. Regulating the exercising of the right of access to the railway network, of new non-PSO rail passenger transport services

The Authority is tasked with receiving, examining and publishing the notification sent by every applicant for the operation of a new passenger rail transport service. Upon referral by the PTA, by the company charged with the execution of a public service contract, by the State or by the Infrastructure Manager, and after having carried out an economic equilibrium test (EET), ART may limit or deny access to the railway network, to new rail passenger transport services if it appears that exercising this right of access is likely to jeopardize the economic equilibrium of one or more public service contract(s) running on the same route or on an alternate route.



4. Monitoring the state of competition on the market of rail services and inform the industry

To execute this mission, ART has a right of access to all the corporate economic, financial and social information it needs, on infrastructure managers, service facility operators, railway undertakings and other applicants. The data collected through these channels serves to inform the industry by way of ART-published reports and statements on railway, which include aggregated indicators and data edited to remove any and all trade secrets.

For further information

The Authority's 2020 Activity Report as well as its website in French (<https://www.autorite-transport.fr/le-ferroviaire/>) describe the Authority's missions regulating transport in the rail sector. The Transport Monitoring's publications are available at <https://www.autorite-transport.fr/observatoire-des-transport/marche-du-transport-ferroviaire/>



FOCUSING ON

MONITORING RAIL TRANSPORT

Circulating industry-specific data and analyses is a major tool for regulation. The Authority collects data on a regular basis from the players involved in rail transport markets; it then publishes activity reports.

Article L. 2132-7 of the French Transport Code specifies, particularly about the railway sector, that the Authority "shall collect data, carry out technical investigations and studies, and all information actions relevant to this industry." To this end and based on ART Decision No. 2021-018 of 11 March 2021 on the provision of information by passenger railway undertakings, ART requests that infrastructure managers,

service facility operators, railway undertakings and SNCF provide information to the Authority on a regular basis. This Decision specifies the calendar for providing information and the type of information to provide (supply of, and demand for transport services, economic and financial results, corporate social information).

Secrets protected by law – notably trade secrets – cannot serve as grounds for opposing the collection of this data and any breach to the obligations listed in the above-mentioned Decision is punishable.



Must a new entrant provide the data needed for passenger information?

Pursuant to French Framework Act No. 2019-1428 of 24 December 2019 on mobility and the Commission's Delegated Regulation (EU) 2017/1926 of 31 May 2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services, all rail passenger transport operators shall provide all their available data on, in particular, schedules, lines, stop-overs, tariffs, as well as real time data, through the national access point at transport.data.gouv.fr so that these may be re-used by any interested party. The Authority is tasked with verifying that this obligation to provide is observed. In this context, the Authority also has the power to implement a dispute resolution process regarding the availability of journey and traffic data as well digital multi-modal services.

What tools do the players of the transport industry have to assert their rights before the Authority?

The Authority has the competence to settle disputes. It may also impose sanctions on players who do not fulfil

their obligations. These two dissimilar procedures can be implemented at the request of players from the rail industry, which may bring about a decisive change in the way the railway industry operates.



FOCUSING ON

THE AUTHORITY'S POWER TO SETTLE DISPUTES

Any applicant, infrastructure manager or service facility operator claiming to be a victim of unfair treatment, discrimination or any other prejudice pertaining to access to the railway network, may bring this claim before the Authority, in particular on:

- The content of the Rail Network Statement.
- The procedure allocating capacity on the railway infrastructure.
- The specific terms made to the applicant.
- Exercising the right of access to the network, and the implementation of infrastructure charges payable for the use of the network, under the system of railway charges.
- Rail safety monitoring.
- Operational train traffic management.
- The arrangements for railway infrastructure operations — planned, or unplanned, upgrades and maintenance.
- The creation of non-PSO passenger transport services.
- The execution of the framework agreements mentioned in Articles L. 2122-6 and L. 2122-7 of the contracts for the use of infrastructure, and cooperation agreements mentioned in Article L. 2122-4-3-2.
- The access to service facilities, including their offering of supply and delivery of services.

- The non-observance by the infrastructure manager or the vertically integrated company entities, of arrangements relating to the fulfilling by the infrastructure manager, (a) of its core duties, (b) of the operational train traffic management and maintenance planning, (c) of the conditions under which the infrastructure manager may delegate some of its functions, and (e) of the infrastructure manager's financial transparency.

The scope of the dispute settlement procedure is very broad, which allows the Authority to process an extensive number of issues and to correct the market's shortcomings. Its key advantage is its built-in speed compared to a court procedure: dispute settlement procedures last 6 months on average, starting on the day of referral to the Authority. Precautionary measures may be adopted in the case of serious and immediate breach to the rules governing network access.

This procedure has already led to the Authority improving the rules applicable to train path allocation, passenger station access and applicable tariffs.

For further information (in french)

<https://www.autorite-transport.fr/dossiers-thematiques/reglement-des-differends/>



FOCUSING ON

THE AUTHORITY'S SANCTION POWERS

The Authority may of its own initiative, research and take due note of a failure to fulfil the obligations listed below. It is also possible to bring before the Authority a complaint seeking to obtain sanctions in case of:

- Non-observance, within the prescribed period, of a decision on the settlement of a dispute.
- Failure by an infrastructure manager, a service

facility operator, a railway undertaking, a company vertically integrated controlling one of these companies, or another applicant, to discharge its obligations in matters of network access.

- Failure by SNCF to comply with the rules on the conditions in which to carry out its missions, particularly when the infrastructure manager's independence is not guaranteed.

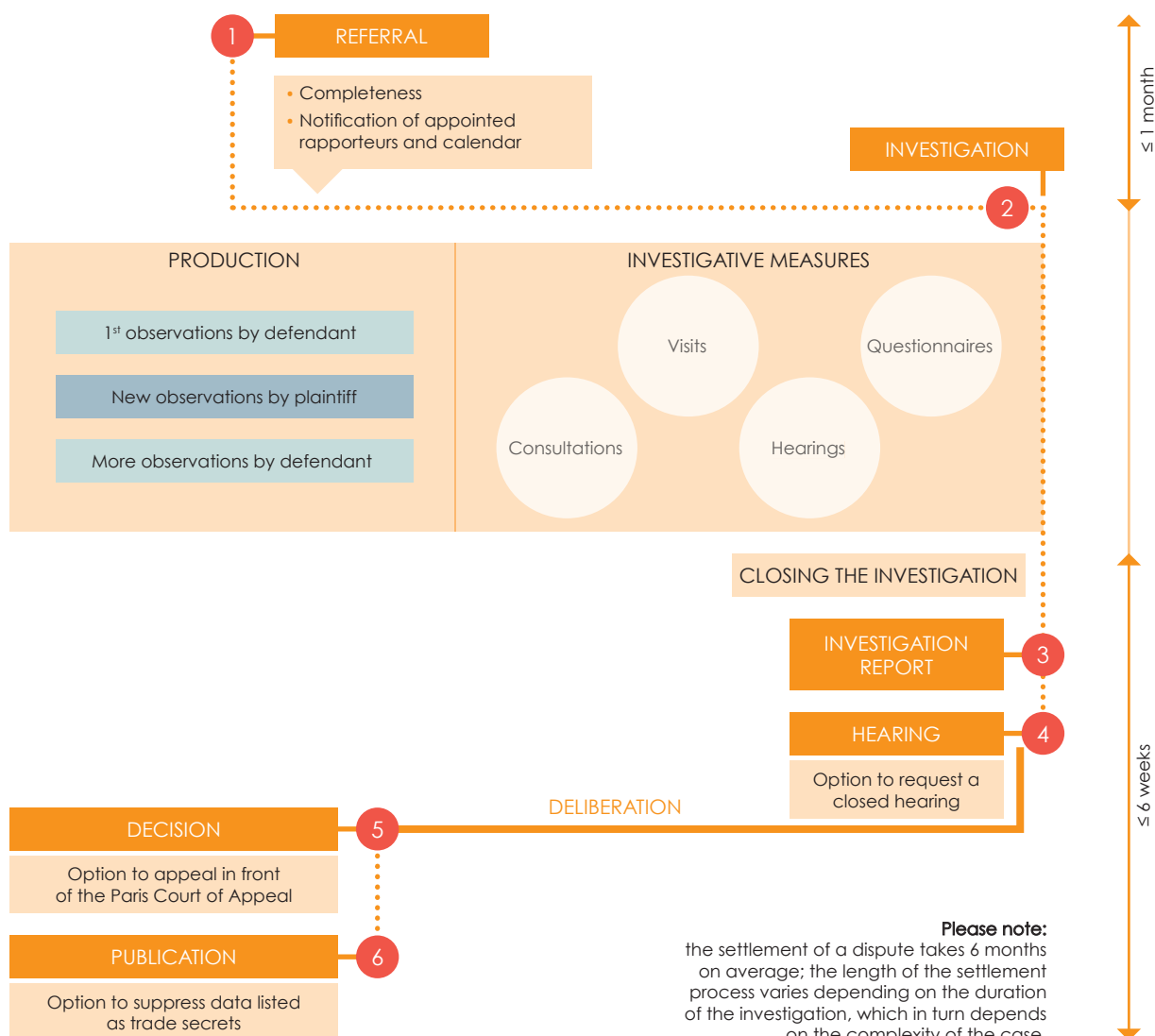
- Unfamiliarity of the infrastructure manager or entities of the vertically integrated company, with the arrangements relating to the exercise by the infrastructure manager, of its core duties.
- Failure to follow the rules relating to operational train traffic management and maintenance planning.
- Unfamiliarity with the conditions under which the infrastructure manager may delegate some of its duties.
- Lack of knowledge by the infrastructure manager of the rules relating to financial transparency.

In carrying out a sanctioning procedure, the Authority may go as far as to serve a formal notice, and if failure to discharge the obligations under scrutiny persists, ART may impose a financial penalty of up to 3% of the turnover before tax, of the last financial year for which the accounts have been closed, of business done in France (5% in the event of a repeat offence), as well as a temporary ban from all of, or part of, the railway network.

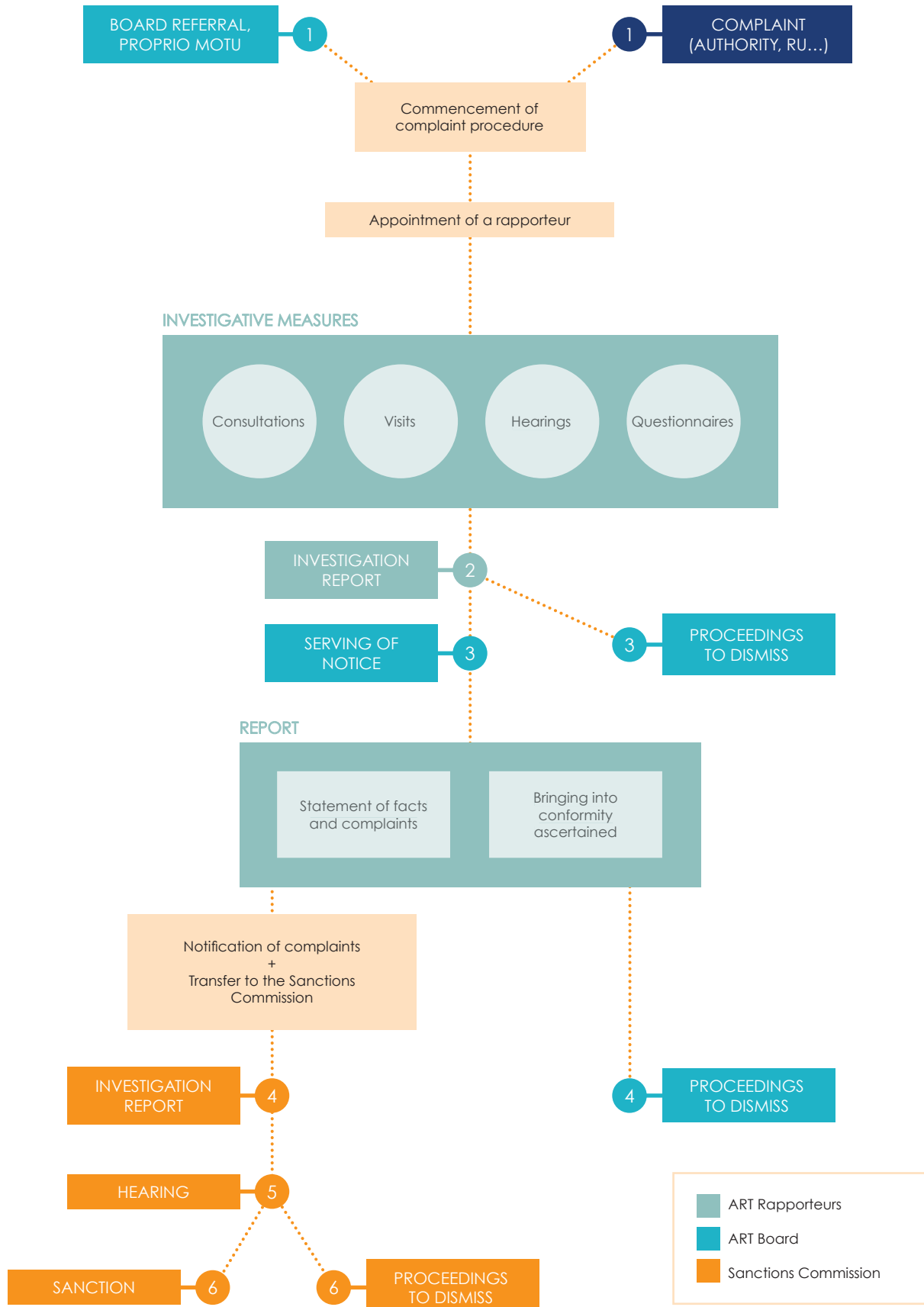
For further information (in french)

<https://www.autorite-transport.fr/dossiers-thematiques/la-procedure-de-sanction/>

Dispute settlement flow chart



Sanction procedure flowchart



D/WHO'S WHO

The French railway system involves multiple players incorporated within the European Union railway system. In addition to a number of players repeatedly mentioned in this guidance document, many other partners are involved once players wish to enter the French railway market. The flowchart below gives a description of the different players the Authority has identified.

European Union

European Commission (DG MOVE & DG COMPETITION)


Draws up the Common European Policy relating to railway transport and the establishment of a single European railway area.

 For more information in English: https://ec.europa.eu/info/departments/mobility-and-transport_en

https://ec.europa.eu/info/departments/competition/index_en.htm

European Union Agency for Railways (ERA)

Authority delivering authorisations to railway undertakings and rail vehicles valid in a number of Member States. Guarantees interoperability, in particular of the European Rail Traffic Management System (ERTMS). Provides technical assistance to the European Commission.

 For more information in English: https://europa.eu/european-union/about-eu/agencies/era_en

Ministry for Ecological Transition

Ministry for Economy and Finance

These Ministries safeguard coherence and the proper operation of the French domestic rail transport system and set the French national and international strategic priorities, particularly in terms of programming investments for network development and up-grade, landuse planning, security, safety and driving the rail industry sector.


 For more information in French: <https://www.ecologie.gouv.fr/politiques/transport-ferroviaire>

<https://www.ecologie.gouv.fr/direction-generale-des-infrastructures-des-transports-et-mer-dgitm>

<https://www.entreprises.gouv.fr/dge>

Public Establishment for Rail Safety (EPSF)

National Safety Authority for the French railway system, notably in charge of delivering the authorisations required for conducting railway activities and ensuring network monitoring, particularly of infrastructure managers and railway undertakings.

 For more information in French: www.securite-ferroviaire.fr

Contact <https://securite-ferroviaire.fr/contact>

Regions as authorities in charge of organising regional passenger rail services

They make decisions on the content of public services for regional passenger transport, on tariffs, and on the quality of both service and user information. They finance numerous network upgrading projects via planning contracts signed between the State and each of the Regions.

Court of Justice of the European Union

Called upon particularly in the case either of direct actions against the Member States for non-fulfilment of their obligations under European Union law or indirect actions for preliminary rulings raised before a national jurisdiction bound by the interpretation or the validity of Union law.

 For more information in English: https://curia.europa.eu/jcms/jcms/_6/en/


French Council of State (Conseil d'état)

Called upon particularly in the case of either appeals against decisions or opinions rendered by ART; or actions governed by regulatory acts taken by entities of the unified public group or by the French Government.

 For more information in French: <https://www.conseil-etat.fr/>

Paris Court of Appeal and Court of Cassation

Called upon particularly in the case of appeals against decisions rendered by ART with respect to dispute settlements.

 <https://www.cours-appel.justice.fr/paris>
<https://www.courdecassation.fr/>

Competition Authority

Independent administrative authority: specialised in analysing and regulating competition on the markets; it punishes collusion and abuse of a dominant position or any activity restricting full play of competition in the rail transport industry.

 For more information in French: www.autoritedelaconurrence.fr

Contact <https://www.autoritedelaconurrence.fr/fr/contact>

Ethics Commission dedicated to the rail transport system

Commission guaranteeing impartiality of infrastructure managers vis-à-vis railway undertakings by regulating mobility of certain infrastructure manager employees transferring to railway undertakings.

 For more information in French: <https://www.autorite-transport.fr/le-ferroviaire/secretariat-de-la-commission-de-deontologie-du-systeme-de-transport-ferroviaire/>

The Committee of Network Operators (COOPERE)

Standing consultative body for dialogue and cooperation between SNCF Réseau and its Partners to enhance optimal use of the French national rail network (RNF).

Infrastructure managers

They are in charge of railway infrastructure operation, maintenance and upgrade. They draw up and publish (a) a Rail Network Statement describing conditions for access to the rail network infrastructure and, (b) a set of Operational Documents listing the technical conditions allowing train movements.

Monitoring Committee for the Improvement of Performance (CoSAP)

SNCF Réseau and LISEA organise their own CoSAP
Entity in charge of the governance of the system for the improvement of performance. The infrastructure manager and the railway undertakings are represented in equal numbers.

Professional Organisations - Unions

AFRA (the French Rail Association), FIF (the Federation of Rail Industries), UTP (the Union of Public and Rail Transport), SETVF (the Union of Railway Works Entrepreneurs) ...

They lobby Regulation Authorities and Public Authorities on behalf of the rail industry businesses and organise discussions on issues relevant for the rail industry.



REFERENCES TO RULES AND REGULATIONS

In a regulatory environment fairly complex to grasp, and all the more so for smaller or foreign players, the aim of the table below is to list the main official texts applicable at each step of the process when designing a rail service.

| Theme/Text | Content |
|--|---|
| Application for rail capacity and its allocation | |
| Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing the Single European Railway Area (recast) — Chapter IV, Section 3. | Establishing the principles and procedures applicable to the allocation of rail infrastructure capacity. |
| Implementing Regulation (EU) 2017/2177 of 22 November 2017 of the European Commission, on access to service facilities and rail-related services. | Establishing the modalities of the procedure and criteria to follow in order to gain to service facilities and to the use of services being offered in these facilities. |
| French Decree No. 2003-194 of 7 March 2003 pertaining to the use of the railway network (Title IV). | Transposing the principles and procedures applicable to the allocation of rail infrastructure capacity as provided for under Directive 2012/34/EU as amended. |
| Assessment of costs incurred as a result of operating a train service | |
| Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) (Articles 31 & 32). | Establishing the principles and procedures applicable to the allocation of rail infrastructure capacity. |
| Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of cost directly incurred as a result of operating the train service. | Establishing the modalities for the calculation of the cost directly incurred as the result of operating the train service in order to set charges for the whole of the minimum service package and for access to the infrastructure linking the service facilities with each other. |
| French Transport Code — Article L.2111-25. | The principles governing charges and their amounts are set multi-annually for a period of 3 years. |
| French Transport Code — Article L. 2133-5. | Establishing modalities for consulting ART when setting infrastructure charges and the rules and criteria that ART takes into account to render a binding opinion. Definition of the procedure and charging rules applicable in the absence of a binding opinion from ART. |
| French Decree No. 97-446 of 5 May 1997 as amended on infrastructure charges associated with the use of the national rail network and collected by SNCF Réseau. | Development of the principles to set infrastructure charges in the case of the French national railway network and SNCF Réseau, the infrastructure manager. |
| French Decree No. 2003-194 of 7 March 2003 as amended on the use of the railway network — Article 3. | Establishing the minimum in services supplied by the infrastructure manager, the additional and related services, as well as the modalities concerning supply of services and relevant charging rules. |
| French Decree No. 2012-70 of 20 January 2012 as amended on the service facilities of the railway network. | Establishing the nature of services and offerings accessible to railway undertakings at the service facilities, as well as the relevant charging rules. |
| Rolling stock access procedure | |
| European Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union — Articles 20 and ff. | Establishing arrangements for authorising railway vehicles to be placed on the market and railway vehicle type authorisation, and the registration procedure for vehicles holding an authorisation. |
| European Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union — Article 23. | Establishing arrangements for checking vehicles holding an authorisation, prior to their use on the railway network, in particular the responsibility of railway undertakings to proceed in this context to the required verifications, and of the infrastructure managers to supply all required information free of charge. |

| Rolling stock access procedure | |
|---|---|
| Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council. | Establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation processes. |
| Commission Implementing Decision (EU) 2018/1614 of 25 October 2018 laying down specifications for the vehicle registers referred to in Article 47 of Directive (EU) 2016/797 of the European Parliament and of the Council and amending and repealing Commission Decision 2007/756/EC. | Amendments to common specifications for national vehicle registers (NVR) set per Decision 2007/756/EC of 9 November 2007 and formulating technical and functional specifications for the European Vehicle Register (EVR). Establishing in particular: • arrangements for the appointment by the Member States, of national vehicle registering entities on their territories, and the up-dating of the European Vehicle Registry; • arrangements for the registration in the EVR, of vehicles who have a railway vehicle authorisation for placing on the market (MA). |
| European Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the "operation and traffic management" subsystem of the rail system within the European Union and repealing Decision 2012/757/EU – point 4.2.2.5 and Appendix D1 of the Annex on parameters for vehicle and train compatibility over the route intended for operation, applicable from 16 June 2019. | Setting the parameters for vehicles and fixed subsystems that a railway undertaking must verify, and the related procedures to be observed in order to ensure vehicle compatibility over the routes intended for operation. |
| European Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the Register of Railway Infrastructure and repealing Implementing Decision 2014/880/EU. | Compared with previous European Decision 2014/880/EU, defining new timelines and new functionalities of the French Register of Railway Infrastructure (RINF) to reach compliance with the 4th Railway Package Arrangements, particularly those required to carry out vehicle vs. route compatibility studies. |
| French Decree No. 2019-525 of 27 May 2019 on the safety and interoperability of the rail system, and modifying or repealing certain regulatory arrangements — Articles 157 to 191. | Defining the conditions for placing vehicles on the market, in order to guarantee the safety of train journeys and implement interoperability of the rail system. |
| Operational stage of train traffic | |
| Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing the Single European Railway Area (recast) — Article 35 and Annex VI. | Defining the objectives set for the Performance Improvement System and the basic principles underpinning it. |
| Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety. | Establishing arrangements to develop and improve EU rail network safety, and access to the market of rail transport services. |
| Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the "operation and traffic management" subsystem of the rail system in the European Union and amending Decision 2007/756/EC — repealed on 16 June 2021 by Commission Regulation (EU) 2019/773. | Deciding on all functional and technical specifications that the operation and traffic management subsystem of the rail system must observe to satisfy all essential requirements, thereby ensuring interoperability of the European Union rail system. |
| European Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the "operation and traffic management" subsystem of the rail system within the European Union and repealing Decision 2012/757/EU. | The Regulation's objective is to make the TSI relating to the "operation and traffic management" subsystem compliant with the 4th Railway Package Arrangements. |
| French Decree No. 2019-525 of 27 May 2019 on the safety and interoperability of the rail system modifying or repealing certain regulatory arrangements. | Defining the role of railway industry players, the organisation of safety management as well as the conditions governing the placing on the market of interoperability components and mobile subsystems and of the entering into operation of permanent facilities, to implement the interoperability of the rail system. |

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