

## Communiqué DE PRESSE

Paris, 6th September 2022

The French Transport Regulatory Authority (ART) settles disputes between rail freight operators and SNCF Réseau, concerning the technical and operational conditions of access to the national rail network

*The Authority has published today a decision settling the disputes between Captrain France, T3M, Europorte France and Régiorail, rail freight operators and complainants, and SNCF Réseau, concerning the technical and operational conditions of access to the national rail network. In this decision, the Authority has granted about two thirds of the requests made by the complainants and has issued several injunctions requiring SNCF Réseau to improve these access conditions and, consequently, the quality of service offered to operators, a crucial factor in the competitiveness of rail freight with regard to road transport and the achievement of the objective of doubling its modal share of goods transport by 2030.*

On 22 February 2021, the undertakings Captrain France, T3M, Europorte and Régiorail, rail freight operators, referred the matter to the ART, on the basis of Article L. 1263-2 of the Transport Code, in order for the Authority to settle the disputes opposing them to SNCF Réseau concerning the technical and operational conditions of access to the national rail network.

The complainants had formulated about thirty requests for the Authority to direct SNCF Réseau to change (i) the procedures for allocating train paths, (ii) the framework and use of infrastructure capacity reserved by SNCF Réseau for carrying out works and (iii) the principles and procedures for compensation and complaints.

**IN ITS DISPUTE RESOLUTION DECISION, THE AUTHORITY GRANTED APPROXIMATELY TWO-THIRDS OF THE REQUESTS MADE BY THE COMPLAINANTS...**

In its decision no. 2022-059, **the Authority issued several injunctions requiring SNCF Réseau to:**

- **improve the transparency** of (i) certain criteria and processes provided for in the network statement, in relation to the various stages of the path allocation process, and (ii) the information communicated to rail operators concerning the scheduling and use of infrastructure capacity reserved by SNCF Réseau for works;

- **implement penalty mechanisms** to encourage it to comply with specific deadlines set out in the network statement (deadlines for processing some categories of train path requests and complaints made by railway operators) or to avoid situations that are detrimental to network access (failure to effectively use capacity reserved by SNCF Réseau for works);
- **establish and publish new indicators for monitoring its performance** as an infrastructure manager;
- **modifies the principles and procedures for compensating railway operators**, in particular when SNCF Réseau, on its own initiative, withdraws or degrades the condition of a previously allocated train path, in order to make them more equitable.

**The Authority has also recommended that SNCF Réseau carries out an exhaustive reshaping of the upstream phases of the infrastructure capacity allocation process**, in order to move towards a more optimal and fairer use of the network.

However, the ART has dismissed the other requests made by the complainants, in particular those aimed at (i) abolishing the procedure for placing train paths "under consideration", (ii) setting rates for firmly allocated train paths that increase for each working timetable, or (iii) increasing the deadlines imposed on SNCF Réseau in order to confirm the capacity reserved for works.

## **THE IMPLEMENTATION OF THIS DECISION SHOULD LEAD TO AN IMPROVEMENT IN THE QUALITY OF SERVICE OFFERED BY SNCF RÉSEAU AS INFRASTRUCTURE MANAGER OF THE NATIONAL RAIL NETWORK**

The implementation of the injunctions and recommendation issued by the Authority, which it will monitor, should enable:

- a more intensive use of the national rail network within the context of the development of rail freight and the opening up of passenger transport services to competition, taking into account the specific needs and constraints of freight operators;
- a better coordination between the capacity needs of freight operators and those planned for the execution of works;
- an improved transparency of access conditions to the national rail network; and
- a better monitoring and an improvement of the quality of service offered by SNCF Réseau, a crucial factor in the competitiveness of rail freight with regard to road transport and the achievement of the objective of doubling the modal share of rail transport of goods by 2030, as set out in the *National Strategy for the Development of Rail Freight* ("*Stratégie nationale pour le développement du fret ferroviaire*").

### **For further details:**

- [Decision no. 2022-059 of 28 July 2022 settling disputes between Captrain France, T3M, Europorte France and Régiorail and SNCF Réseau concerning procedures relating to the allocation of train paths, the management and use of infrastructure capacity reserved for work and the principles and procedures for compensation \(in French\)](#)
- [Press release in French](#)

### **About the French Transport Regulatory Authority (ART)**

Since 2010, the French railway sector has had an independent authority to accompany its gradual opening to competition: the Autorité de régulation des activités ferroviaires (Araf). Law 2015-990 of 6 August 2015 on growth, activity and equal economic opportunity extended the regulator's powers to road activities - coach transport and motorways.

On 15 October 2015, Araf became the Autorité de régulation des activités ferroviaires et routières (Arafer), with the mission to contribute to the proper functioning of public service and competitive activities for the benefit of rail and road transport customers.

With competence for the regulation of airport charges since 1 October 2019, Arafer became the Transport Regulatory Authority (ART) on that date. Lastly, Law No. 2019-1428 of 24 December 2019 -mobility act- extended the Authority's powers and missions to the opening up of mobility and ticketing data, as well as to the regulation of infrastructure manager activities and security activities carried out by RATP in Île-de-France.

Its opinions and decisions are adopted by a college of five<sup>1</sup> independent members chosen for their economic, legal or technical skills in the field of digital services or transport, or for their expertise in competition matters. It is chaired since 4<sup>th</sup> August 2022 by Philippe Richert, Vice-President and Acting President.

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<sup>1</sup> Law No. 2019-1428 of 24 December 2019 on the orientation of mobilities established a transformation of the governance of the Authority's college, which will gradually become five permanent members (the current temporary member will end his term of office and will not be replaced).