

PRESS RELEASE

Paris, November 14th 2023

According to a new study by the French Transport Regulatory Authority (ART), framework agreements for railway capacity are an essential means to encourage new rail operators to enter the French market

In the context of opening up passenger rail transport to competition, framework agreements for railway capacity concluded between the infrastructure manager and a railway company are an essential mechanism for encouraging the arrival of new players on the French market, by reinforcing the visibility of multiannual capacity allocation, and thus for developing the rail mode, to the benefit of the decarbonization of the transport sector. This is the conclusion of the study published today by ART, entitled « [Les accords-cadres pour le système ferroviaire français](#) », based on comparative analysis of the framework agreements for capacity in place in various European countries and on feedback from a public consultation of the sector's players.

IN EUROPE, FRAMEWORK AGREEMENTS HAVE CONTRIBUTED TO THE ARRIVAL OF NEW RAIL OPERATORS

In several European countries – Italy, Germany, the United Kingdom and Spain – framework agreements have been successfully implemented, sometimes in innovative ways, to help structure and allocate capacity over a multiannual period, in the context of opening up passenger rail services to competition. In so doing, it has contributed to the entry of new players and hence to the development of the offer and the traffic.

RAIL OPERATORS ARE IN FAVOR OF GREATER USE OF FRAMEWORK AGREEMENTS FOR RAILWAY CAPACITY IN FRANCE

From February 14 to March 31, 2023, ART conducted a public consultation with rail industry stakeholders, from which it drew three conclusions:

1. Most rail operators are in favor of making greater use of framework agreements for capacity, believing that they can be a tool to encourage new operators to enter the market and optimize infrastructure use by increasing the visibility of multiannual capacity allocation.

2. The implementation procedures and characteristics of these framework agreements should seek a balance between commitment and flexibility, in particular by relying on (i) a duration of between 5 and 10 years, or even up to 15 years in very specific cases, (ii) a cap on the network capacity that can be covered by a framework agreement, and (iii) the introduction of a reciprocal incentive system for compliance with the commitments made in the framework agreement.
3. ART's intervention is deemed desirable to ensure that the market operates smoothly – particularly in its competitive dimension.

ART RECOMMENDS THAT SNCF RÉSEAU ENCOURAGES THE USE OF FRAMEWORK AGREEMENTS AND ENSURES THE TRANSPARENCY OF THE SYSTEM

As part of its mission to contribute to the smooth functioning of the rail transport system, and in light of the results of the study it has conducted, ART recommends that SNCF Réseau, as part of the network reference document for the 2025 working timetable:

- makes a firm commitment to developing the framework agreement system; and
- ensures its transparency, by presenting a structured timetable, specifying the framework agreement requests received, and ensuring that all stakeholders are informed and consulted for each request.

For further details (in French):

- [The report « Les accords-cadres pour le système ferroviaire français » \(2023\)](#)

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 ART'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 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 4th August 2022 by Philippe Richert, Vice-President and Acting President.