

# PRESS RELEASE

Paris, February 19<sup>th</sup>, 2024

## The French Transport Regulatory Authority (ART) expresses high expectations of SNCF Réseau regarding the improvement of operational conditions for access to the rail network

The French Transport Regulatory Authority (ART) publishes its opinion on the network statement for 2025. While SNCF Réseau has made significant progress in implementing ART's recommendations, the infrastructure manager has only partially implemented a dispute settlement decision issued in 2022 on the operational conditions of network access for freight operators. ART takes note of SNCF Réseau's CEO's commitment to comply with this decision by the end of the first quarter, with any further delay being likely to be sanctioned. In this opinion, ART also makes 13 new recommendations to improve operational conditions for network access.

### SNCF RÉSEAU'S IMPLEMENTATION OF ART'S RECOMMENDATIONS SHOWS CLEAR PROGRESS

**ART notes a clear improvement in SNCF Réseau's implementation of its recommendations.** The infrastructure manager has implemented 75% of the recommendations made in its previous reasoned opinion on the network reference document, a clear improvement on previous opinions.

## **PARTIAL NON-COMPLIANCE WITH A DECISION OF ART COULD, HOWEVER, RESULT IN LEGAL PROCEEDINGS AND SANCTIONS AGAINST SNCF RÉSEAU**

**ART's monitoring of the implementation of its dispute settlement decision of July 28, 2022<sup>1</sup> reveals a mixed picture.** On the one hand, 17 injunctions appear to have been correctly implemented. On the other hand, however, five are only partially implemented, and two are not implemented at all.

**ART expects the infrastructure manager to comply as soon as possible with all the injunctions set out in its dispute settlement decision. A failure to comply may be subject to sanctions.** ART takes note of the commitment made by SNCF Réseau's CEO during his hearing by the board of ART on January 25<sup>th</sup>, 2024, to ensure compliance with the two injunctions not implemented to date by the end of the first quarter. In addition, the board of ART has already decided to open proceedings against SNCF Réseau to investigate and establish breaches, as a follow-up to its decision of July 28<sup>th</sup>, 2022.

## **ART MAKES 13 NEW RECOMMENDATIONS TO SNCF RÉSEAU TO IMPROVE OPERATIONAL CONDITIONS FOR ACCESS TO THE NETWORK**

**ART calls on SNCF Réseau (i) to be more proactive in supporting new entrants and (ii) to review its industrial processes to improve service quality.**

**ART identifies three levers to be mobilized by SNCF Réseau to make the opening of domestic rail passenger services to competition an opportunity for the development of the rail mode:**

- Facilitate the implementation of framework capacity agreements to give operators greater visibility over network use;
- Clarify and accelerate procedures for connecting third-party rail sites to tracks managed by SNCF Réseau;
- Simplify access and pricing of information systems enabling new entrants to program their transport plans in advance.

**Similarly, ART identifies three levers to be mobilized by SNCF Réseau to improve the quality of service provided to its customers with the aim of increasing the modal share of rail:**

- Ensure a wider and more transparent involvement of stakeholders in the preparatory phases of the network slot allocation process;
- Better control the impact of works on commercial traffic. Capacity reserved for works has been growing rapidly in recent years. In the context of the "new rail deal" announced by the Prime Minister on February 24<sup>th</sup>, 2023, which should lead to a 50% increase in investment in network

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<sup>1</sup> Decision n° 2022-059 of July 28<sup>th</sup>, 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 works and the principles and procedures for compensation.

regeneration and modernization, this situation calls for particular vigilance on the part of SNCF Réseau;

- Provide customers with more accurate and reliable information in the event of operating contingencies (e.g. social movements), to enable them to cope with it in the best possible way.

**While the operational conditions of access to rail infrastructure and service facilities managed by SNCF Réseau are a *sine qua non* condition for the development of rail transport, ART will closely monitor SNCF Réseau's implementation of these recommendations.**

**For further details (in French):**

- [Avis n° 2024-009 du 1er février 2024 relatif au document de référence du réseau ferré national pour l'horaire de service 2024 modifié et 2025](#)

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### **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 29<sup>th</sup> December 2023 by Thierry Guimbaud.