

# PRESS RELEASE

Paris, May 22<sup>nd</sup> 2024

In the context of the opening up of domestic rail passenger services to competition, the French Transport Regulatory Authority (ART) welcomes the conclusion of the first framework capacity agreements between SNCF Réseau and a new entrant

*Kevin Speed and SNCF Réseau have requested ART's consultative opinion on the capacity framework agreements they have signed for a ten-year period starting from the end of 2028. These framework agreements, which are the first since domestic passenger rail services were opened up to competition in France, are designed to facilitate the launch and operation of new commercial services on three high-speed lines. Having analyzed the clauses negotiated between the parties, ART considers that they do not prevent other operators or transport services from using the infrastructure. To enable this tool to fulfill all its promises, ART invites SNCF Réseau to pursue its approach of transparency with regard to all applicants and to ensure that the framework agreement mechanism is properly integrated into the capacity structuring process, in the service of a forward-looking vision of the use of the rail network.*

## THE FRAMEWORK AGREEMENT SYSTEM IS AN EFFECTIVE TOOL FOR DEVELOPING RAIL TRANSPORT SERVICES

The capacity framework agreements that can be signed between SNCF Réseau and current and potential railway undertakings are a key mechanism for encouraging the arrival of new players and developing new rail transport offers on the French market. The conclusion of framework agreements enhances players' visibility with regard to the multi-year allocation of network lines capacity, in a sector marked by significant fixed entry costs (acquisition of rolling stock, construction of maintenance centers, etc.) and is thus a key success factor for the development of rail services and the decarbonization of transport.

ART therefore called on SNCF Réseau to resolutely engage in the development of framework agreements in a study published on 14 November 2023, based on a wide-ranging consultation of players in the sector.

## **THE COMMITMENTS MADE BY KEVIN SPEED AND SNCF RÉSEAU DO NOT PREVENT OTHER RAILWAY UNDERTAKINGS FROM USING THE INFRASTRUCTURE**

**The capacity framework agreements signed between Kevin Speed and SNCF Réseau are the first since domestic passenger rail services were opened up to competition.** With a ten-year term starting from the 2029 service timetable, they are designed to facilitate the launch and operation of new commercial services on the Paris-Lyon, Paris-Lille and Paris-Strasbourg lines. In particular, these agreements define the routes, time slots and annual volumes of traffic that Kevin Speed will order from SNCF Réseau, in return for which SNCF Réseau undertakes to grant it.

**In conformity with the possibilities offered by the legal framework in force, Kevin Speed and SNCF Réseau have requested ART's advisory opinion on the framework agreements concluded between them.** In this context, ART's role is limited to ensuring that the contractual stipulations are compatible with maintaining a transparent and fair access to the network for other railway undertakings and an effective and optimal use of the infrastructure.

**Having analyzed the clauses negotiated between the parties, ART considers that they do not hinder the use of the network by other operators or transport services.** However, ART makes recommendations on the content and wording of some clauses included in this type of contract, in order to guide the parties and future applicants for framework agreements.

## **ART MAKES RECOMMENDATIONS TO SNCF RÉSEAU FOR FUTURE CAPACITY FRAMEWORK AGREEMENTS**

**In its consultative opinion, ART calls on SNCF Réseau to pursue its approach of transparency towards all applicants and to ensure that the framework agreement system is properly integrated into the capacity structuring process, in the service of a forward-looking vision of rail network use.** In particular, this means significantly strengthening the link between framework agreements and the five-year "multi-annual usage concept" developed by SNCF Réseau, with the aim of promoting and amplifying effective and optimal use of the rail infrastructure for the benefit of end customers.

**In particular, when considering the conclusion of new framework agreements, ART recommends SNCF Réseau to set up a prior market consultation in order to best organize their complementarity.** As an example, SNCF Réseau could offer pre-assembled lots of capacity according to capacity-sharing scenarios that meet market needs while optimizing infrastructure use.

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

- [The opinion n° 2024-029 of 30 April 2024](#)
- [The report « Les accords-cadres pour le système ferroviaire français » \(November 2023\)](#)

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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 December 2023 by Thierry Guimbaud.