

Jonathan Rodgers
Senior Executive



7 December 2023

Kush Desai
Customer Manager
Network Rail Infrastructure Limited
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West Stratford City
London E20 1EJ

Derek Spindler
Relationship Manager
Trenitalia c2c Limited
2nd Floor, Cutlers Court
115 Houndsditch
London
EC3A 7BR

Dear Kush and Derek

Approval of the 18th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Trenitalia c2c Limited (trading as c2c) dated 3 March 2017

We have today approved the above supplemental agreement submitted to us formally on 7 December 2023 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

Purpose

The purpose of this agreement is to extend the expiry date of the parties' track access contract from Principal Change Date (PCD) 2023 to PCD 2025. It also removes access rights that are currently unused (aligning with current/planned/timetabled PCD 2023 service levels). It does not include anticipated access rights wanted by c2c as part of annual business planning discussions with DfT. There are no additional rights requested in this application.

Industry consultation

Network Rail undertook the usual industry consultation from 14 August to 15 September 2023. There were two consultation responses, from Greater Anglia and London Travelwatch, seeking some clarification about some minor issues. Clarification was provided



ORR review

We had no concerns about this application although we noted that there was an error in one of the proposed access rights tables. The parties corrected this error in the formal submission. We are pleased that the parties have aligned access rights in the contract with timetabled services running (or due to run).

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; in particular, those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

Conformed copy of the track access agreement

Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. Please send the conformed copy to me at ORR.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

J Rodgers

Jonathan Rodgers