

David Reed
Senior Executive, Access & Licensing
Telephone: 020 7282 3754
Email: david.reed@orr.gsi.gov.uk



OFFICE OF RAIL AND ROAD

6 November 2015

Philip Watling
HS1 Limited
12th Floor
One Euston Square
40 Melton Street
London
NW1 2FD

Jason Lewis
Head of International Network Strategy
Eurostar International Limited
Times House, Bravingtons Walk,
Regent Quarter
London
N1 9AW

Dear Philip and Jason

Approval of the 5th supplemental agreement to the track access contract between HS1 Limited and Eurostar International Limited

The Office of Rail and Road (ORR) has today approved the 5th supplemental agreement to the track access contract between HS1 Limited (HS1) and Eurostar International Limited (EIL) (jointly the parties), submitted to us formally on 6 November 2015 under The Railways Infrastructure (Access and Management) Regulations 2005 (as amended) ("the Regulations"). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.

Purpose of the agreement

The purpose of this agreement is to grant EIL the rights necessary to allow the use of the new Class 374 Eurostar rolling stock from 20 November 2015.

Consultation

A pre-application consultation was carried out in line with the HS1 Criteria and Procedures document. No comments were received from consultees.

Our review

The contract was reviewed by our operations and legal advisors. Both our operations advisor and legal advisor suggested minor drafting changes to the contract; the parties reflected these suggestions in the revised contract.



ORR's conclusions

Pursuant to Regulation 28(1) of the Regulations, in considering the application and in reaching our decision, we are required to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Railways Act 1993 (as amended). Approval of this application is consistent with these duties; in particular our duties to:

- protect the interests of users of rail services;
- promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;
- contribute to the development of an integrated system of transport of passengers and goods; and
- enable persons providing railway service to plan the future of their businesses with a reasonable degree of assurance.

Conformed copy of the track access contract, public register and administration

Pursuant to paragraph 3.75 of the C&Ps, HS1 is required to produce a conformed copy of the track access agreement within 28 days of any amendment being made, and to send a copy to ORR. I look forward to receiving the conformed copy.

We will place a copy of the supplemental agreement on our public register. The parties asked us to redact the discount thresholds contained in Schedule 4 of the Framework Agreement, as these are argued to be commercially confidential by EIL, and we will do so.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Reed', with a stylized flourish at the end.

David Reed