

THE CHANNEL TUNNEL INTERGOVERNMENTAL COMMISSION COMMISSION INTERGOUVERNEMENTALE AU TUNNEL SOUS LA MANCHE

Secretariat
Office of Rail Regulation
1 Kemble Street
LONDON WC2B 4AN

M.E.D.D.E.
Secrétariat général au Tunnel sous la Manche
DGITM/DST
Arche Sud
92055 La Défense

Direct line: 020 7282 3962
Facsimile: 020 7282 2041

Téléphone: 01.40.81.78.73
Télécopie: 01.40.81.78.79

Email: martin.jones@orr.gsi.gov.uk

Email: Corinne.Menage@developpement-durable.gouv.fr

5 December 2013

Eurostar International Limited appeal to the Channel Tunnel Intergovernmental Commission (IGC) – notice of IGC’s decision

The Channel Tunnel Intergovernmental Commission (IGC) has today published its decision on the appeal submitted to it under Article 12 of the Bi-national [Regulation on the use of the Channel Tunnel](#) (“the Bi-national Regulation”) by Eurostar International Limited on 20 March 2013.

In accordance with the IGC’s [Rules of Procedure](#) for the consideration of appeals brought under Article 12, the IGC’s determination is as follows:

1. The Intergovernmental Commission is competent to hear Eurostar’s appeal.
2. Eurostar’s appeal to the Intergovernmental Commission is admissible.
3. Eurotunnel’s Network Statement for 2014 does not comply with all the requirements of Article 5.2 of the Bi-national Regulation on the use of the Channel Tunnel of 23 July 2009 or Article 3 of, and Annex I to, Directive 2001/14/EC on the allocation of railway infrastructure capacity, and the levying of charges for the use of railway infrastructure, and safety certification. Pursuant to Article 12.4 of the Bi-national Regulation, the Intergovernmental Commission therefore directs that the Network Statement should be amended as follows:
 - a. First, the Network Statement Network Statement must clearly identify the total costs related to the Common Section, i.e.:
 - i. The costs of operation and maintenance, which must include the costs directly incurred by Eurotunnel as a result of the operation of particular types of train service;
 - ii. The initial investment costs incurred by Eurotunnel as amortised (annually);;
 - iii. The debt costs of the Tunnel, together with a reasonable return on equity, including the remuneration of capital investments;
 - iv. Any other cost category which may be applicable.
 - b. Secondly, it must show in sufficient detail “the methodology, rules and where applicable, scales used” for the application of the charging principles. As a minimum, the Network Statement must include an explanation both of Eurotunnel’s total charges set out by reference to the

categories of cost indicated in Article 3(a) above and of the method to apportion those costs between railway undertakings using the Common Section.

4. The justification referred to in Article 7(2) of the Directive and Article 11.5 of the Bi-national Regulation concerns the charges billed. The necessary information is to be provided, when required, by Eurotunnel to the Intergovernmental Commission.
5. Eurotunnel adequately consulted Eurostar on the Network Statement in accordance with the requirement in Article 5.3 of the Bi-national Regulation.

The full text of the IGC's decision can be obtained from its official website at www.channeltunneligc.co.uk/-Ongoing-affairs-.html?lang=en . The decision document addresses the issues raised in the appeal, describes the process followed by the IGC, summarises the arguments of the parties and the advice of the experts appointed by the IGC, and explains the IGC's reasoning for its decision.