

APPENDICES 3.5

COMPLAINT PROCEDURE

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APPENDIX 3.5.0

GENERAL PRINCIPLES RELATING TO COMPLAINTS

1. PURPOSE OF THIS APPENDIX

The purpose of this appendix is to present the procedure and the processing steps for complaints made by customers to the "Complaints" department of the Customer and Market Division of SNCF Réseau.

Distinction must be made between two types of complaint:

- challenges relating to invoices issued by SNCF Réseau (Appendix 3.5. 1),
- requests for compensation in the event of a cancellation or major modification to a train path-day due to by SNCF Réseau (Appendix 3.5.2).

In addition, one appendix focuses on refund requests for the costs incurred by a railway undertaking providing assistance (Appendix 3.5.3).

2. COMPLAINT PROCEDURE

2.1. Compiling the complaint package

Any complaint file must contain:

- a request describing the grounds of the complaint and the causal event,
- the form, in Excel format, with at least the specified "mandatory fields" completed according to the purpose of the request. This complaints form is available to download from the "Technical documents" page of the SNCF Réseau website.
- The supporting documents required to justify the complaint. Evidence other than that from SNCF Réseau's information systems may be sent in support of a complaint. The file's contents are described in Appendices 3.5.1, 3.5.2 and 3.5.3 depending on the grounds of the complaint.

The more specific the complaint is, the quicker it will be handled.

2.2. Sending the complaint package

All complaints must be sent to SNCF Réseau via the Customer Area, from the "My complaints" menu. An electronic acknowledgement of receipt is systematically sent to the customer.

3. HANDLING COMPLAINTS

SNCF Réseau handles complaints in the following manner:

3.1. The complaint is recorded in the SNCF Réseau tool for monitoring complaints;

The files are handled in the order in which they are received by SNCF Réseau.

3.2. Response from SNCF Réseau

Responses to complaints are sent by e-mail.

In cases where the documents communicated do not permit processing of the complaint, the customer will be asked to provide SNCF Réseau with any supplementary documents, within the remaining time before the expiry of the closure deadline (see § 4 below on deadlines), making express reference, in any subsequent documents sent, to the original communication of its complaint. Once received, SNCF Réseau shall then store these supplementary documents in its tool in association with the first communication.

Any final response by SNCF Réseau to the complaint brought against it shall contain the following statement:

"This letter constitutes the final response from the infrastructure manager to the complaint brought against it. Once received by your services, the six-(6) month period provided for by Article 20.4 of the general terms and conditions of the contract for use of the infrastructure and the contract for allocation of train paths (Appendix 3.1 to the Network Statement) shall begin".

3.3. Approval of the "Agreed and signed" slip by the customer

When the response from SNCF Réseau is accompanied by a refund or compensation offer in the form of an "agreed and signed" slip (BPA), the customer must legally issue its approval by returning the dated and signed "agreed and signed" slip. This must reach SNCF Réseau:

By email tosav.sillons@reseau.sncf.fr, , specifying the words "BPA - complaint" N° xxxx (SNCF Réseau file number) in the e-mail subject line to speed up the process of paying the compensation.

4. RULES ON TIME FRAMES AND PENALTIES FOR LATE PROCESSING

4.1 General time frame principles

All complaints files must be sent within the contractually-defined period stipulated in the general terms and conditions of the contract for use of the infrastructure and the contract for allocation of train paths (Appendix 3.1). All files received at a later date shall be considered excluded.

The time frame for responding to the complaint runs from the date of receipt of the file by SNCF Réseau, which will be determined by an acknowledgement of receipt issued electronically. The time frames for each type of complaint are stipulated in each of the Appendices 3.5.1, 3.5.2 and 3.5.3.

The time frame for the processing of a complaint file by SNCF Réseau is calculated from the contractual closure deadline enforceable against the customer. Therefore, the contractual closure deadline applicable to the customer shall be suspended during the processing of the in-depth file until the day following the date of sending of the response to the complaint by SNCF Réseau.

4.2 Penalties applicable to SNCF Réseau in the event of failure to meet time frames for processing complaint requests

The processing times and penalties set out below shall be calculated at the end of each timetable.

4.2.1 Penalties for late processing of invoice disputes

Failure to respect the time frames mentioned in Appendix 3.5.1 when examining the merits of an admissible complaint and including the documents necessary for its processing, means that SNCF Réseau shall pay penalties in accordance with the following principles:

Penalties depend on the number of days of delay in relation to the processing time defined in Appendix 3.5.1 and the amount SNCF Réseau grants in response to the complaint.

- If the amount awarded to the applicant is between €1 and €9,999.99, the penalty applicable to SNCF Réseau is set at €4 per day of delay between the processing time stipulated in Appendix 3.5.1 and the time actually taken by the infrastructure manager to send a response to the complaint.
- If the amount awarded to the applicant is between €10,000 and €49,999.99, the penalty for SNCF Réseau is set at €8 per day of delay between the processing time stipulated in Appendix 3.5.1 and the time actually taken by the infrastructure manager to send a response to the complaint.
- If the amount awarded to the applicant is greater than or equal to €50,000, the penalty for SNCF Réseau is set at €32 per day of delay between the processing time stipulated in Appendix 3.5.1 and the time actually taken by the infrastructure manager to send a response to the complaint.

4.2.2 Penalties for delays in processing requests for compensation due to the cancellation or major modification of a train path-day and requests to cover the costs incurred by a railway undertaking providing assistance

Failure to respect the time frames mentioned in Appendices 3.5.2 and 3.5.3 when examining the merits of an admissible complaint and including the documents necessary for its processing, mean that SNCF Réseau shall pay penalties in accordance with the following principles:

Penalties depend on the number of days of delay in relation to the processing time defined in Appendices 3.5.2 and 3.5.3 and the amount SNCF Réseau grants in response to the complaint.

- If the amount awarded to the applicant is between €1 and €9,999.99, the penalty for SNCF Réseau is set at €4 per day of delay between the processing time stipulated in Appendix 3.5.2 or 3.5.3 and the time actually taken by the infrastructure manager to send a response to the complaint.
- If the amount awarded to the applicant is between €10,000 and €49,999.99, the penalty for SNCF Réseau is set at €8 per day of delay between the processing time stipulated in Appendix 3.5.2 or 3.5.3 and the time actually taken by the infrastructure manager to send a response to the complaint.
- If the amount awarded to the applicant is greater than or equal to €50,000, the penalty for SNCF Réseau is set at €32 per day of delay between the processing time stipulated in Appendix 3.5.2 or 3.5.3 and the time actually taken by the infrastructure manager to send a response to the complaint.

APPENDIX 3.5.1

INVOICE CHALLENGES

1. AIM OF THIS APPENDIX

The aim of this appendix is to present the admissibility requirements relating to challenges to invoices issued by SNCF Réseau on the basis of the stipulations in the Network Statement.

2. DEADLINE AND CONTENT OF THE FILE FOR DISPUTING INVOICES ISSUED BY SNCF RÉSEAU

2.1. Deadline for challenges

The invoices issued by SNCF Réseau may be challenged within a period of one year after the deadline for payment of invoices issued by the infrastructure manager.

2.2. Compiling the file for invoice challenges

To challenge an invoice received, the customer must compile a file with the elements listed below in the format specified:

- A request specifying the charge(s) or penalty(-ies) concerned (to be referenced in the subject line of the letter), and the event causing the challenge. If the challenge concerns more than one charge, each charge must be presented separately;
- the invoices disputed;
- the Excel form (available on the SNCF Réseau website, on the "Technical documents cited in the NS" page) duly filled in by the customer, along with all the supporting documents listed.

In cases where the documents communicated do not permit processing of the complaint, the customer shall be asked to provide SNCF Réseau with any supplementary documents, within the time remaining before the expiry of the closure deadline (see § 4 of Appendix 3.5.0 above on deadlines), making express reference, in any subsequent documents sent, to the original communication of its complaint. Once received, SNCF Réseau shall then store these supplementary documents in its tool and link them with the first communication.

To enable optimum processing of challenges received before the deadline stipulated in paragraph c) below, SNCF Réseau recommends that each file for invoice disputes only refers to one month of services and not combine two Timetables in the same file. SNCF Réseau therefore advises its customers to group all the train path-days concerned in one month of services in one file for invoice disputes.

SNCF Réseau is willing to help the customer to understand the elements required to compile an invoice dispute file.

2.3. Invoice dispute file processing

All dispute files sent to SNCF Réseau are handled according to the procedure defined in Appendix 3.5.0 above. In terms of timing and communication channels:

Step	When	Communication channel
The response to the invoice dispute is sent to the customer.	At the latest, 45 calendar days from the date the electronic acknowledgement of receipt for the dispute was sent by SNCF Réseau. If the response is positive, the asset is taken into account at the earliest opportunity.	E-mail from SNCF RESEAU

3. PRESENTATION OF THE TABLE TO BE COMPLETED AND ASSOCIATED SUPPORTING DOCUMENTS FOR DISPUTING INVOICES ISSUED BY SNCF RÉSEAU RELATING TO CHARGES

3.1. Complaint regarding the Market Charge (RM)

The table to be completed by the customer is presented below. It is made up of mandatory fields and other optional fields, as specified in the key.

Table as linked to train path-day:

-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-	-9-	-10-
Train path-day start date	Train path-day number	Market segment invoiced by SNCF RESEAU	Market segment in circulation	Description of the PR Origin of the part at issue of the train path-day	Wording of the Destination PR for the train path-day part at issue	Reference of supporting document	Cause	Disputed amount of the RM (€, ex. VAT)	Customer comments on the complaint connected with this train path-day
Format: dd/mm/yy yy	5 to 6 figures					For example: GESICO order number, etc.	For example: complaint linked to the request (removal of train path not taken into account by SNCF Réseau)	Monetary format with 2 decimals	For example: partial/total removal

** If the infrastructure manager's information systems are not updated, evidence other than that from SNCF Réseau's information systems may be transmitted.*

Legend
Required fields
Optional fields

In fact, an invoice concerns several train paths or train movements. It is the customer's responsibility to specify those that he is challenging. The customer alone knows the reason for this challenge, which is here represented by the "triggering factor" section, and the amount they are disputing (the RM for train path-day X, the RM for part of train path-day X, etc.).

Here are a few examples:

- If the customer requests the reimbursement of the reservation charge because he has not requested the train path-day in question (triggering factor), he does not need to provide a supporting reference if "Order missing in the reference ISs" is specified under this heading.
- If the customer requests reimbursement of the market charge because they submitted a cancellation request within the set time frame, they must provide their cancellation request reference to support the challenge.

3.2. Complaints regarding the running charge (RC)

The table to be completed by the customer is presented below. It is made up of mandatory fields and other optional fields, as specified in the key.

Table as linked to train path-day:

-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-	-9-	-10-	-11-
Train path-day start date	Train path-day number	Tonnage invoiced by SNCF RESEAU	Track tonnage *	Description of the PR Origin of the part at issue of the train path-day	Wording of the Destination PR for the train path-day part at issue	Supporting document reference**	Cause	Contested amount of the RC (€, ex. VAT)	Customer comments on the complaint connected with this train path-day	The railway undertaking operating the train movement at issue
Format: dd/mm/yy yy	5 to 6 figures					For example: an SNCF Réseau email informing the customer that his/her train is not running, error message during the declaration, etc.		Monetary format with 2 decimals	For example, partial/total removal	

*The actual tonnage of the train movement corresponds to the definition "transported tonnage" specified in the main Network Statement document (art. 5.3.1):

- for passenger activities: at full tonnage for commercial train movements and at empty tonnage for non-commercial train movements

- for freight activities: at the consolidated gross tonnage of the convoy (locomotive + equipment towed + goods)

**If the infrastructure manager's information systems are not updated, evidence other than that from SNCF Réseau's information systems may be transmitted.

Legend
Required fields
Optional fields
Mandatory field only for non-RU capacity applicants

3.3. Complaints regarding the charges relating to electric train movements (RCE, RCTE, RFE)

The table to be completed by the customer is presented below. It is made up of mandatory fields and other optional fields, as specified in the key.

A table per charge and challenged invoice:

-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-	-9-	-10-	-11-
Train path-day start date	Train path-day number	Description of the PR Origin of the part at issue of the train path-day	Wording of the Destination PR for the train path-day part at issue	Supporting document reference**	Cause	Disputed amount of the fee (€, ex. VAT)	Customer comments on the complaint connected with this train path-day	Type of locomotive invoiced by SNCF Réseau	Type of locomotive used	The railway undertaking ensuring the traffic at issue
Format: dd/mm/yy yy	5 to 6 figures			For example: an SNCF Réseau email informing the customer that his/her train is not running, etc.		Monetary format with 2 decimals	For example: partial/total removal	To be completed solely for RFE, RCE and RCTE charges	To be completed solely for RFE, RCE and RCTE charges if the customer is disputing the type of locomotive invoiced	

Legend
Required fields
Optional fields
Mandatory field, solely for Freight Activity customers or for certain dispute cases (see details in the table)
Mandatory field only for non-RU capacity applicants

4. COMPLAINT REGARDING OTHER INVOICES

For complaints regarding another invoice, the customer must specify the invoices challenged by providing their reference numbers, the service periods concerned (month-year of service), the amounts disputed (€, ex. VAT) and the work units involved.

He is also responsible for specifying the reason for the challenge and providing proof to support his file.

APPENDIX 3.5.2

COMPENSATION CLAIMS FOR CANCELLATIONS OR MAJOR MODIFICATIONS TO TRAIN PATH-DAYS

1. AIM OF THIS APPENDIX

The aim of this appendix is to present the admissibility requirements that apply to complaints regarding compensation requests in the case of train path-day cancellations or major modifications and the specific features for the procedure to be followed as regards this.

2. ADMISSIBILITY REQUIREMENTS FOR COMPLAINTS RELATING TO COMPENSATION REQUESTS

2.1. Basis and conditions of the complaint

The customer is obliged to specify the basis of its complaint and to respect the relevant contractually agreed time frames set out in the general conditions of the contract for use of the infrastructure and the contract for allocation of train paths (Appendix 3.1 of the Network Statement, Article 20).

Any compensation that may be paid by SNCF Réseau for a particular train path-day shall be payable solely to the party allocated the train path. Consequently, in the case of train paths placed at the disposition of a railway undertaking by a recipient candidate, this compensation shall cover any damage suffered by both parties.

2.2. Compiling the complaint package

The complaint must be made up of the following elements:

- A request stating the subject of the complaint and indicating the causal event resulting in the claimed loss and details of the compensation amount disputed;
- The elements required for its processing:
 - the list of disputed train path-days, in Excel format (see form available for download from the SNCF Réseau website, on the "Technical Documents cited in the NS" page, the sections of which are described in paragraph 4.a.),
 - elements justifying:
 - the facts resulting in the loss and the accountability of SNCF Réseau,
 - the assessment and justification of the damages claimed as compensation for the loss.

In cases where the documents communicated do not permit processing of the complaint, the customer shall be asked to send SNCF Réseau the required supplementary documentation within a period of ninety (90) days, with the time limit for the processing of the file by SNCF Réseau suspended pending receipt of said supplementary documentation. If these supplementary documents are not received within the ninety (90) day time frame, the file shall be rejected and deemed not accepted. The customer, during the time left prior to the expiry of the closure deadline (see §4 of Appendix 3.5.0 above on deadlines), may however resend his/her complete file, making express reference, in any subsequent documents sent, to the original communication of its complaint. Once received, SNCF Réseau shall then store these supplementary documents in its tool and link them with the first communication.

2.3. The claim must not relate to more than one triggering event attributable to SNCF Réseau.

The aim is to avoid mailings combining several claims for different reasons, to speed up their processing. To this end, SNCF Réseau recommends the customer groups together all the train path-days concerned that relate to one operative event within the same complaint.

SNCF Réseau is willing to help the customer to understand the elements required to compile a complaint file.

3. PROCESS FOR HANDLING COMPENSATION REQUESTS

All compensation requests sent to SNCF Réseau shall be handled according to the procedure defined in Appendix 3.5.0 above:

In terms of timing and communication channels:

Step	When	Communication channel
The complaint response is sent to the customer.	120 calendar days from the date the electronic acknowledgement of receipt for the complaint was sent by SNCF	Email from SNCF Réseau.
Payment of compensation	30 calendar days from SNCF Réseau's receipt of the "agreed and signed" slip signed by the customer	Bank transfer to the account of the customer

4. FORMAT OF TABLES TO BE COMPLETED AND ASSOCIATED SUPPORTING EVIDENCE FOR COMPENSATION REQUESTS

4.1. Table to be completed by the customer

The table to be completed by the customer is presented below. It is made up of mandatory fields and other optional fields, as specified in the key.

The sample below is expected in order to investigate the complaint.

The data set out in the table below by the infrastructure manager is data that SNCF Réseau deems useful for processing the complaints submitted to it. However, it does not exclude any other evidence the complainant may wish to bring to its attention.

-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-	-9-
Train path-day departure date	Train path-day departure time	Train path-day number	Description of the PR Origin of the part at issue of the train path-day	Wording of the Destination PR for the train path-day part at issue	Cause	Evaluating the damage (€ amount claimed)	Supporting document reference*	Comments on the complaint connected with this train path-day
Format: dd/mm/yyyy	Format: hh :mm :ss	5 to 6 figures			For example: complaint linked to operating difficulties (SNCF Réseau removes a fixed train path-day allocated)	Monetary format with 2 decimals, evaluation of the damage per train path-day if possible	For example: GESICO order number, etc.	

Legend

Required fields

Optional fields

* All train path-days linked within a 72-hour period must be mentioned. Have the train path-day(s) directly affected in bold.

NOTE: If the infrastructure manager's information systems are not updated, evidence other than that from SNCF Réseau's information systems may be transmitted.

4.2. Justifying elements to be provided for all complaints in addition to the table when submitting a compensation request

All compensation requests brought to the attention of SNCF Réseau must clearly state the causal link between the operative event and the alleged damage and must provide proof to support and evaluate this damage.

The compensation awarded by the infrastructure manager is intended to compensate for the entire loss suffered as a result of the cancellation of a train path-day, which may be broken down - either together or alternatively - into the additional costs incurred in reorganising the traffic affected, the loss of a margin on the expected turnover and/or the loss of an opportunity.

For each of the potential components of the alleged loss, network users are invited to produce any evidence that may help to establish its existence. Proof to evaluate the damage vary depending on each case. These elements may be financial, contractual or operational. If necessary, SNCF Réseau may submit them to an external expert for an opinion on the evaluation, both in terms of reliability and acceptability.

APPENDIX 3.5.3

REQUESTS FOR REFUND OF THE COSTS INCURRED BY A RAILWAY UNDERTAKING SUPPLYING RESCUE SERVICES

1. AIM OF THIS APPENDIX

The aim of this appendix is to present the admissibility requirements and the specific processes for handling requests for refund of the costs incurred by a railway undertaking supplying rescue services.

2. ADMISSIBILITY CONDITIONS FOR REQUESTS FOR REFUND OF THE COSTS OF RESCUE TRAINS

2.1. Basis and deadline for the refund request

In accordance with Article 7.4 of the general conditions applicable to the contract for use of the infrastructure and the contract for allocation of train paths (Appendix 3.1 of the Network Statement), any railway undertaking that has provided the rescue of a broken-down train may seek reimbursement from SNCF Réseau for the costs and operating inconvenience associated with this rescue.

This request must be made known to SNCF Réseau within a maximum of six months from the date of the rescue of the broken-down train.

2.2. Compiling the file for requesting a refund of the costs incurred by a railway undertaking supplying rescue services

The refund request must contain the following elements:

- A request with a subject specifying that the request concerns a refund of the costs of rescue trains.
- the elements required for its processing:
 - for each rescued train, supporting document OP00508 "provision of railway undertaking resources to SNCF Réseau" provided by the COGC or any other document proving the equipment's requisition in the absence of notification by SNCF Réseau for the OP00508 supporting document
 - the elements justifying the costs incurred by the undertaking providing the rescue services and the operating inconveniences suffered,
 - the list of train path-days concerned (trains rescued) in electronic form in Excel format (using the form available for download from the SNCF Réseau website, on the "Technical documents cited in the NS" page). These train path-days must be identified according to the sections listed in paragraph 3.

In cases where the documents communicated do not permit processing of the complaint, the customer shall be asked to send SNCF Réseau the required supplementary documentation within a period of ninety (90) days, with the time limit for the processing of the file by SNCF Réseau suspended pending receipt of said supplementary documentation. If these

supplementary documents are not received within the ninety (90) day time frame, the file shall be rejected and deemed not accepted. The customer, during the time left prior to the expiry of the closure deadline (see §4 of Appendix 3.5. above on deadlines), may however resend his/her complete file, making express reference, in any subsequent documents sent, to the original communication of its complaint. Once received, SNCF Réseau shall then store these supplementary documents in its tool and link them with the first communication.

SNCF Réseau is willing to help the railway undertaking to understand the elements required to compile a compliant request file for the processing of rescue trains.

2.3. Process for requests for a refund of the costs incurred by a railway undertaking supplying rescue services

All requests for the refund of the costs incurred by a railway undertaking supplying rescue services sent to SNCF Réseau are handled according to the procedure described in Appendix 3.5.0 above.

In terms of timing and communication channels:

Step	When	Communication channel
The complaint response is sent to the customer.	120 calendar days from the date the electronic acknowledgement of receipt was sent by SNCF Réseau.	Email from SNCF Réseau.
Payment of compensation	30 calendar days from SNCF Réseau’s receipt of the “agreed and signed” slip signed by the customer	Bank transfer to the account of the customer

3. PRESENTATION OF THE TABLE TO BE COMPLETED AS LINKED TO THE RESCUED TRAIN

The information required for the model below is necessary in order to investigate the request (5 columns).

-1-	-2-	-3-	-4-	-5-
Customer rescued	Rescued train departure date	Rescued train number	Cost of implementing the emergency train	Comment
	Format: dd/mm/yyyy	5 to 6 figures	Monetary format with 2 decimals, quantification of costs connected with the implementation of the rescue train	

Legend

Required fields

Optional fields

This data is also required by SNCF Réseau for re-invoicing the costs of rescue trains to the railway undertakings rescued. In essence, this constitutes the proof that SNCF Réseau presents to customers to support this re-invoicing (excluding the confidential data of the railway undertaking that has provided the rescue).