

September 01, 2022

Signalling business in Europe, Switzerland and UK - The “OBU commitments” approved by the European Commission related to ETCS interfaces

Alstom announced on July 31, 2020, that the European Commission (the “EC”) approved the proposed acquisition of Bombardier Transportation by Alstom.

The EC’s approval was conditional on Alstom fulfilling commitments provided to the EC in connection with the clearance. Specifically, in relation to possible non-horizontal effects in the market for ETCS OBUs projects in the EEA, Alstom committed to provide access to certain interfaces and products for some of Bombardier Transportation’s Signalling Legacy On-Board Units (“OBU”) and Train Control Management Systems (TCMS) (“the OBU Commitments”). The Commitments offered by Alstom provided for:

1. Supply of available Bombardier Class B or Specific Transmission modules (“STMs”);
2. Certain technical support for integration of newly purchased Class B or STMs;
3. Available interface documentation for Bombardier class Bs for retrofit projects that involve a purchaser interfacing its new ETCS OBU with an already-installed Class B equipment;
4. Interoperability documentation and technical support for modifications to Bombardier’s Train Control and Management Systems for the execution of retrofit projects in the EEA, Switzerland and the UK.
5. Supply of interfaces information with Bombardier’s legacy where available, and, according to availability, supply of On-Board Units (“OBU”), according to the country, and availability either STM or Standalone Class B.
6. In addition, Alstom will offer to enter into a frame contract with the Dutch Infrastructure manager to supply Alstom’s Class B ATB-EG for 20 years.

The OBU Commitments are available on the European Commission’s website and contain further details on the scope of Alstom’s commitments ([here](#)). The Commission’s press release of 31 July 2020 summarises the Commitments ([here](#)). Further information and/or explanation about the OBU Commitments can be provided by the Commitments Relationship Managers (the “CRMs”) upon request.

CRMs

The CRMs will act as a contact point for prospective Purchasers. Two CRMs have been appointed:

- a CRM for the OBU Commitments related to STM/Class B (see above points 1 to 3, and 5 to 6);
- a CRM for the OBU Commitments related to TCMS (see above point 4).

The CRMs will assist Purchasers in resolving any questions, issues, or concerns regarding the OBU Commitments.

Any request for quotations or other information under the OBU Commitments must therefore be directed to the relevant CRM, which will ensure that Alstom will provide quotations to prospective Purchasers within the time limits and under the terms outlined in the OBU Commitments.

- For STMs / Class Bs covered by the Commitments:
 - Alstom will enter into a master agreement and provide quotations for deliveries relating to specific projects or requirements for STMs / Class B systems within thirty (30) working days of a complete written request.
 - The terms of the quotations and master agreements provided by Alstom are in line with the terms outlined in the OBU Commitments.
- For TCMS information and support covered by the Commitments:
 - Alstom will provide (i) quotations for basic services with regard to interoperability documentation or technical support for TCMS modifications in within thirty (30) working days of a complete written request for quotation or (ii) propose a date for a technical meeting within five (5) working days of a written request for technical support for modifications on non-standard TCMS. Following that meeting, Alstom will offer a quotation within a further forty (40) working days (with Alstom making all commercially reasonable efforts to reply within thirty (30) working days if possible).

For avoidance of doubt, only the text of the OBU Commitments as adopted by the EC is binding and will prevail over this text. Further details can be find in the text of the OBU Commitments (at the link above).

Monitoring Trustee

On September 29, 2020, the EC approved as the Monitoring Trustee to monitor the implementation of the OBU Commitments provided by Alstom.

Any disputes which may arise between relating to the OBU Commitments and the agreements implementing the OBU Commitments will be resolved by the Monitoring Trustee through a fast-track dispute resolution procedure.

If a prospective Purchaser wishes to avail itself of the fast track dispute resolution procedure, it must notify the CRM in writing (with a copy to the Monitoring Trustee) setting out in detail the reasons leading it to believe that Alstom is failing to comply with the OBU Commitments.

Contact details

CRM for the OBU Commitments related to STM/ClassB

Jean Koulisher

Email: crm.stmclassb@alstomgroup.com

CRM for the OBU Commitments related to TCMS

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Monitoring trustee

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