

Rail Delivery Group

Response to:

Competition & Markets Authority Consultation on the draft Guidance and Short Guide documents for Public Transport Ticketing Block Exemption

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Rail Delivery Group Response:

CMA Consultation on the draft Guidance and Short Guide documents for the Public Transport Block Exemption

Name: Elizabeth de Jong
Organisation: Rail Delivery Group
Address: 200 Aldersgate Street, London EC1A 4HD

Business representative organisation

Introduction: The Rail Delivery Group (RDG) was established in May 2011. It brings together Network Rail and passenger and freight train operating companies to lead and enable improvements in the railway. The purpose of the RDG is to enable Network Rail and passenger and freight train operating companies to succeed by delivering better services for their customers. Ultimately this benefits taxpayers and the economy. We aim to meet the needs of:

- Our Members, by enabling them to deliver better outcomes for customers and the country;
- Government and regulators, by developing strategy, informing policy and confronting difficult decisions on choices, and
- Rail and non-rail users, by improving customer experience and building public trust.

1. Introduction

We are writing in response to the Competition and Markets Authority (CMA) consultation on the draft guidance on the application of the Public Transport Ticketing Schemes Block Exemption Order 2001 (SI 2001 No 319) as amended (block exemption).

The Rail Delivery Group welcomes the provision of detailed guidance in connection with the Block Exemption. We have made some general comments on the draft guidance documents as set out below; however, the Block Exemption primarily concerns bus operators, and therefore a number of our members will be providing their own more detailed responses in recognition of those areas of their operations most directly affected.

2. Comments on the draft main Guidance document

We consider that the main guidance document as issued represents a generally positive step, but that a number of our members have advised that in some cases there remains scope for greater clarity in the number and type of examples and scenarios covered. We would therefore urge the authority to pay due consideration to our members' comments in their own individual responses.

Members are understandably risk-averse in regard to the need to ensure competition law compliance and it is therefore important that guidance is as clear as possible in defining the nature, scope and types of activity that are or are not permitted within the Block Exemption.

We do not propose to respond individually to each question. However, we have made a number of general comments to those specific questions set out below:

Re Questions 2 and 3, we welcome the efforts to make these definitions clearer and would expect members' individual responses to address the degree of success achieved in this aim.

Re Question 10 our members have emphasised that there is scope to improve the clarification of what is and is not permitted in relation to setting of prices and their individual responses will address this in more detail as appropriate.

We have not made any specific response to any of the other questions.

3. Responses to questions on short guide

The purpose of the short guide is to give a quick overview of the block exemption. In response to the questions:

- 1. Do you think the short guide is sufficiently clear and easy to understand?*
- 2. Do you consider that this short guide is providing you with an appropriate level of detail?*

We welcome the provision of a short guide as an aid to interpreting the Block Exemption, however in relation to the specific questions we would refer to our notes above and would urge the CMA to take note of our members' specific comments in this area.

For enquiries regarding this consultation response, please contact:

Elizabeth de Jong
Director of Policy

Rail Delivery Group
2nd Floor, 200 Aldersgate Street
London EC1A 4HD