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Dear Gordon,

LICENCE MODIFICATIONS: PASSENGERS' RIGHTS AND OBLIGATIONS AND OTHER CHANGES

This letter constitutes the response of DB Schenker Rail (UK) Limited ('DB Schenker') to the proposed modifications to passenger train statements of national regulatory provisions ('SNRPs'):

The SNRP provided with ORR's consultation letter showing the proposed changes marked up against the existing provisions has been helpful to set the changes in context. However, because this template reflects the licence used by passenger operators of scheduled services, it is not easy to understand which of the proposed changes would apply to the SNRP for passenger operators of charter services, such as DB Schenker's sister Company Rail Express Systems ('RES') and how these would be set out. This is a particular issue with the proposed new Condition 3 which, in the template SNRP, contains existing provisions which will not be changed, new provisions as a result of the PRO legislation and new provisions as a result of the non-PRO changes. DB Schenker has assumed only paragraphs 2 and 3 shown in the template SNRP will be included in the proposed new Condition 3 for passenger operators of charter services.

Notwithstanding the above, DB Schenker wishes to raise the following small number of remarks in respect of the individual changes:

1. DB Schenker wishes to understand why the proposed new definition 'the PRO Regulation' refers to EU Directive 2007-1371 rather than The Rail Passengers' Rights and Obligations Regulations 2010 (i.e. the UK exposition of EU Directive 2007-1371).
2. The proposed new provisions in paragraphs 2 & 3 of Condition 3 place obligations on the operator to comply with article 9 of the Directive and inform passengers of their rights and obligations under the PRO and the contact details of the RPC/LTUC (as appropriate). However, in the majority of cases, charter passenger operators are at 'arms length' in a commercial sense from the passengers conveyed on their services. This is because tickets are normally sold and issued by an intermediary, for example a Tour Operator. DB Schenker, therefore, wishes to understand whether it would remain obligated to comply with the proposed provisions in Condition 3 in these circumstances or do these remain the responsibility of the Tour Operator under the PRO.



Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nigel Oatway', with a large, sweeping flourish at the end.

Nigel Oatway
Access Manager