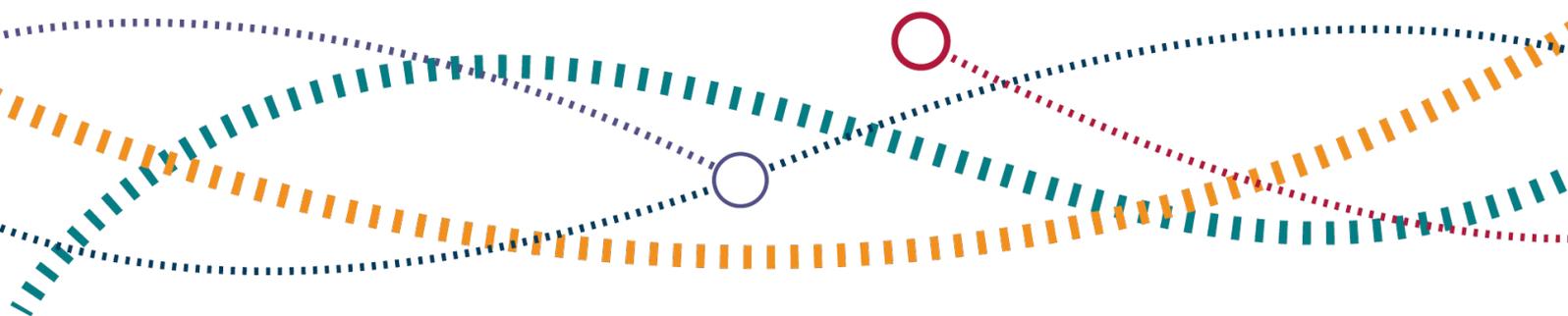




Statement of Scope

Railway Station Catering Market Study

16 June 2023



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1. Introduction

- 1.1 This document sets out the purpose and scope of the Office of Rail and Road's (ORR's) market study into railway station catering. It sets out the background to the market, the themes we propose to consider, and ORR's intended approach to evidence gathering. Finally, it invites submissions on the matters raised.
- 1.2 ORR's core purpose is to protect the interests of rail users, improving the safety, value and performance of railways, today and in the future. One way in which we achieve this is to ensure that rail markets are competitive and fair, for passengers, freight customers, railway operators and taxpayers.
- 1.3 We invite submissions from interested parties on any of the issues raised within this document and the accompanying [Market Study Notice \(the Notice\): Railway Station Catering](#).

Context for the market study

- 1.4 The railway station catering market in Great Britain (England, Scotland and Wales) plays an important role in serving the needs of millions of passengers and commuters across the country. Catering services within railway stations offer a wide range of food and beverage options, ranging from quick snacks to full meals, catering to the preferences and demands of the travelling public.
- 1.5 Consumers benefit when there is convenience, choice, quality products, price-competition and customer service. The station catering market is a high value market. Beyond the immediate consumer impact, a good catering market experience can also positively affect the passenger's wider travel experience - thereby increasing the attractiveness of rail travel.
- 1.6 Since late 2021, the cost of living increased sharply across the UK, prices for many essential goods increased faster than household incomes. The cost of living crisis puts pressure on consumers, including passengers. As consumers across the country are affected by the rising cost of living, we want to ensure that passengers are getting affordable food and beverages when using station facilities. It is important that the railway industry gives customers good value for money and improves their journey experience.
- 1.7 Our study also takes place at a time when passenger numbers are still recovering from the Covid-19 pandemic. We believe that quality station catering can make an important contribution to the station environment. As such it is part of the wider passenger experience (and consumer experience). A positive experience can

make a contribution to getting more passengers on to trains and providing a significant boost to the railways sector.

- 1.8 Through our study we plan to scrutinise the market thoroughly, understanding the factors that shape its structure and the extent to which it is delivering for passengers and taxpayers.

ORR's role

- 1.9 ORR is the independent economic and safety regulator for the railways in Great Britain, and the monitor of performance and efficiency for England's motorways and trunk roads.
- 1.10 We keep the provision of railway services under review and monitor the competitive situation in rail services markets. ORR holds powers concurrently with the Competition and Markets Authority (**the CMA**) to apply competition law in rail related markets.
- 1.11 ORR has strategic objectives, which include ensuring: a safer railway; better rail customer service; and value for money for the railway. ORR also has general statutory duties that it considers before taking the decision to launch a market study.
- 1.12 In order to ensure the effective delivery of our statutory duties and strategic objectives we seek to promote and protect the existence of healthy, robust, and competitive supply chains for products and services relating to railways.

The market study process

- 1.13 Market studies are one of a number of tools at our disposal to examine possible competition issues within a certain market or markets in the railways sector and address them, if appropriate. They are examinations into whether markets are working well, and possible causes of market failure. Market studies take into account regulatory and other economic drivers in a market, as well as patterns of consumer and business behaviour.
- 1.14 The purpose of a market study is to:
- (a) consider the extent to which a matter in relation to services related to railways has, or may have, effects adverse to the interests of consumers; and
 - (b) assess the extent to which steps can and should be taken to remedy, mitigate or prevent any such adverse effects.

- 1.15 A market study begins with the publication of a Market Study Notice (the **Notice**). We have published the Notice at the same time as this Statement of Scope; it includes details on the subject matter of this study and the administrative timetable we will follow.
- 1.16 Market studies can lead to a range of outcomes. If we find that the market for railway station catering is not working in the interests of consumers, we may consider:
- (a) taking enforcement action under the Competition Act 1998 or our consumer law powers;
 - (b) dealing with matters which are capable of resolution under our sector specific powers, for example licence enforcement;
 - (c) engaging with industry to develop an industry-led solution, for example, a code of practice;
 - (d) asking the industry to review established industry mechanisms;
 - (e) making recommendations to government to change regulation or public policy;
 - (f) making a Market Investigation Reference (“a MIR”)¹ to the Competition and Markets Authority and/or
 - (g) accepting undertakings in lieu of making a MIR.²
- 1.17 The above is an illustrative list of possible outcomes and it is not exhaustive. We retain an open mind as to which outcomes, or combination of outcomes, may be appropriate to address any concerns that we may identify during the course of this market study.
- 1.18 Further information on market studies can be found in our guidance “ORR’s approach to monitoring and reviewing markets”.

¹ ORR may make a MIR under section 131 of the Enterprise Act 2002 where the findings of a market study give rise to reasonable grounds for suspecting that any feature, or combination of features of a market relating to the supply of services relating to railways, prevents restricts or distorts competition, and a market investigation appears to be an appropriate and proportionate response. In taking any decision to make a MIR ORR would also consider its general duties under section 4 of the Railways Act.

² Section 154 of the Enterprise Act 2002.

Evidence gathering

- 1.19 In addition to considering responses from interested parties to this statement of scope, we expect to gather evidence through the following methods:
- (a) issuing information requests to industry participants, including station facility owners (**station operators**), catering companies, and other relevant parties;
 - (b) conducting qualitative and quantitative research;
 - (c) analysing existing data sets and research; and
 - (d) meeting key interested parties.
- 1.20 As the study progresses, we may choose to use other means of seeking additional information. Information and updates about this study will be added to the [railway station catering webpage](#) on a regular basis.
- 1.21 We also invite submissions on the matters raised in this statement of scope by no later than **7 July 2023**. In addition to general submissions, we particularly welcome responses on the questions and the proposed focus on the themes set out in Chapter 4 of this Statement of Scope.

2. Background

Introduction

2.1 This chapter provides an overview of the market for station catering in the Great Britain rail industry. It describes the potential issues we have identified and seek to investigate, and it explains why we believe a market study is the proper way to look at them.

General overview of the market

Size of the market

2.2 Station catering is the provision of food and beverages to customers (mainly passengers) by retailers at stations. It is a significant market for passengers, catering companies and station operators. In the context of this study, that means both Network Rail, which operates the twenty largest stations in Great Britain, and the publicly commissioned passenger train operating companies (the **TOCs**). They operate most mainline stations in Great Britain.

2.3 Railway stations are commercially attractive locations for retail operators in general. They provide for a high and consistent footfall as passenger usage is recovering since the Covid-19 pandemic. A total of 1.3 billion journeys were made in Great Britain in the year to 31 December 2022. This is 75% of the 1.8 billion journeys made in the equivalent period three years ago³. Conservative estimates suggest that passenger spending from Great Britain station catering is well in excess of £1 billion p.a. This is at Network Rail managed stations alone, which collectively account for c. 20% of GB mainline total entries and exits. This estimate covers catering at stations in general so might be wider than the scope of this study which focuses on ready to eat/drink food and beverages.

2.4 Retail activities at stations provide an important source of income for station operators, mainly in the form of rent of outlets to retail operators. This income is in excess of £200 million p.a. pre Covid-19 pandemic for Network Rail only. It covers rental income from a range of properties, some of which are outside managed stations. It does not include property rents associated with franchised stations

How the market works

2.5 Below is a description, based on our current understanding, of how railway station catering typically works in the Great Britain:

³ Source: ORR data portal. <https://dataportal.orr.gov.uk/media/2190/passenger-rail-usage-oct-dec-2022.pdf>

Selection Process: station operators typically initiate a competitive selection process to identify catering providers for their stations. This process often involves requesting proposals or tenders from interested companies, which are evaluated based on factors like experience, financial viability, proposed concepts, and commercial terms.

Agents: These are intermediaries who work closely with some station operators to create an attractive and functional retail environment that enhances the overall passenger experience. This includes consulting companies (e.g. Amey TPT, Mitie, CBRE), which provide facilities management and related services to ensure the smooth and efficient operation of retail spaces within the stations.

Contractual Arrangements: Successful catering providers enter into contractual arrangements with the station operators. These contracts outline the terms and conditions for operating food and beverage outlets within the station, including rental fees, revenue sharing models, performance expectations, branding requirements, and quality standards. The contracts may also include provisions for systematic reviews, renewal options, or termination clauses.

Range of Food and Beverage Outlets: These outlets can include restaurants, cafes, coffee shops, grab-and-go kiosks, snack bars, convenience stores. They do not include vending machines within prescribed locations within a station or on board catering. Our approach as to how we define the market we will study is described in more detail further below.

Catering companies: Catering providers are responsible for managing and operating their outlets within the railway stations. This includes aspects such as presentation and maintenance of the retail outlet, staffing, food preparation, inventory management, maintaining health and safety standards, customer service, and adhering to regulatory requirements.

Brands and Partners: Railway station catering in Great Britain often involves partnerships and branding collaborations some of which are often formed under a franchise agreement. This can include well-known high-street food and beverage chains (e.g. Starbucks, Pret a Manger, Burger King), which operate under their own branding within the station. Franchise agreements allow specific catering providers to operate under established brands within the railway stations.

Passenger Experience: Passengers are not the only customers of catering outlets in stations. Depending on their location and their size, a significant part of the consumer base may comprise consumers other than passengers, such as walk-in trade. The catering outlets are strategically located throughout the stations, often in close proximity to platforms, entrances, or high-traffic areas, for maximum convenience.

The main players in this market

2.6 Rail station catering is a multi-sided market with various players with various relationships, including:

- (a) Passengers (and other customers in stations) buying food and beverages from catering outlets in railway stations.
- (b) Station operators operate railway stations and lease outlet units to catering companies. Therefore, station operators are the entities whose permission is required to use the stations. They are not necessarily the stations' landlords. Mainline stations can be operated by Network Rail directly (it operates 20 of the busiest stations in Great Britain) or by the TOCs (who operate the vast majority of stations). The majority of TOCs belong to private owning groups. Some are owned by the government public sector owning group (DfT OLR Holdings Limited - DOHL) and by the Scottish and Welsh governments. They all have different strategies and practices regarding the commercial operation of their stations. They all share an interest in maximising commercial revenue. For Network Rail, its commercial revenue is offset against the gross revenue requirement to determine the level of funding from track access charges and network grant.
- (c) Catering companies apply to station operators to be tenants of outlet units at railway stations, in order to sell food and beverages to passengers.
 - (i) Some catering companies operate only in railway stations or in both railway stations and in other travel points. Other companies have a significant high street presence. They can operate outlets directly with their own brands or indirectly under high-street brands (e.g. under franchise agreements).
 - (ii) Some prominent catering companies that are often involved in the Great Britain railway station catering market include:
 - Retail Food and Beverage Chains: Recognisable high-street chains that operate within railway stations, offering standardised menus and branding. For example: Caffè Nero, Pret a Manger, McDonald's. They often work with Franchise Operators to expand their presence and reach a broader customer base within railway stations without having to directly manage each location themselves.
 - Franchise Operators: Catering companies that hold franchise agreements, from Retail Food and Beverage Chains, to operate specific food and beverage outlets within railway stations. This allows them to offer popular brands for food and beverage options that are already

familiar to consumers, increasing the chances of attracting customers and driving sales. These operators may work under the umbrella of - known brands, such as Starbucks, Costa Coffee, Burger King.

- **Contract Catering Companies:** Larger catering companies that secure contracts to manage multiple food and beverage outlets across various railway stations. These companies often provide a range of services, including retail outlets, grab-and-go options, and more substantial dining experiences. Examples include SSP Group (owner of brands like Upper Crust, Ritazza, and Camden Food Co.) and TRG Concessions. Some Contract Catering Companies also act as Franchise Operators.
- **Local and Regional Cafes, Restaurant and Food Providers:** Locally-owned and operated establishments, including independent or small food vendors that operate within railway stations.

Issues to investigate

- 2.7 As part of our role in monitoring competition in railway markets, we gather intelligence through publicly available sources and from our continuous engagement with the industry. The preparation of the market study has led us to suspect that this market may not be functioning well, for passengers and taxpayers.
- 2.8 Preliminary work which we have carried out suggests that from a passenger perspective:
- (a) Prices for food and beverages sold at stations are often higher than their high street counterparts.
 - (b) Satisfaction with the station catering offering is low in some instances.
 - (c) There may be issues around underinvestment in catering outlets at stations.
- 2.9 We have noted a high degree of concentration and low degree of churn amongst catering outlets at stations and simultaneously of difficulties for new companies to enter the market.
- 2.10 Discussions which we have held with station operators indicated that in some instances they also have faced significant barriers to improving the retail offering at their stations. Their ability to renegotiate lease contracts, or to terminate longstanding tenancies and renew them with more competitive options often appear to be limited, outside of specific circumstances such as the redevelopment of a station. Notably, a number of the lease contracts between station operators

and catering companies seem to be concluded under Part II of the Landlord and Tenant Act 1954, which grants business security of tenure - security of tenure is the tenant's statutory right under the Landlord and Tenant Act 1954 to be granted a new lease of their business premises once their current lease expires. Such protections grant a statutory right to have their tenancies renewed on expiry. This type of contract limits the pressure from new entrants in any given station while at the same time protecting incumbents' businesses.

- 2.11 If station operators are unable to get better terms from their tenancy agreements with catering companies or injecting more competition within their stations by contracting with new station catering tenants, this will challenge their ability to maximise commercial revenues from catering operation in their stations. Stations are directly or indirectly subsidised by public funding. Under the current financial framework, Network Rail's net funding requirement is based on the gross funding requirement, minus the commercial revenues, of which the catering operation represents a significant part. Simply put, and all things being equal, the higher the commercial income for Network Rail, the lower the public funding contribution. Similarly, TOCs benefit from higher commercial income, which directly reduces their reliance on public funding (the precise timing of this depends on the details of their contract with government).

Why a market study is the right tool to investigate and, if appropriate, address these issues

- 2.12 A market study is one the tools available to us for discharging our general function to keep railway services in Great Britain under review. When considering a market study, we have to keep in mind that it is a resource intensive process, and it can create significant burdens on industry. On this occasion, we believe a market study to be the most appropriate and proportionate tool to achieve our objective by using our statutory powers.
- 2.13 We consider that:
- (a) The concerns we have highlighted above, suggest that there may be factors adversely affecting competition within the stations catering market and that these may be detrimentally affecting the interests of consumers and businesses;
 - (b) We do not yet have grounds for taking specific action, using our concurrent competition powers under the Competition Act 1998;

- (c) We found that formal information gathering powers are necessary to collect a robust evidence base that will on occasion include also confidential data from market participants;
- (d) Improving value and quality of railway station catering aligns with our strategic objective of securing value for money for taxpayers;
- (e) Following discussion with the CMA, we believe the ORR is best placed to act, as it has an internal expertise of the railway sector it can draw on; and
- (f) Our direct regulatory powers are limited given that some key issues involve catering companies, rather than licensees.

3. Scope

Introduction

- 3.1 This chapter summarises the products and services that are within the scope of this market study and its proposed geographical scope. We also set out the themes that we will focus on.

What is in scope and what is not

Products and services within scope

- 3.2 For the purpose of our market study, catering is the activity of selling food and beverages, in mainline railway stations, directly to consumers or railway passengers.
- 3.3 Our market study specifically targets the ready-to-eat category of food and beverages, including takeaway. All outlets and companies in stations providing this type of food and beverage fall within the scope of our market study.
- 3.4 We are aware that there are other retail activities happening at railway stations. However, our research to date suggests that food and beverage represent the majority, with other types of retail tending to be concentrated in the largest stations. We consider our approach to be a proportionate means by which to cover the greater number of cases of retail commercial activities in railway stations.

Geographic scope

- 3.5 Our market study will cover the supply of catering services in railways stations in the whole of Great Britain. It will not cover Northern Ireland as our jurisdiction for carrying out a market study only relates to the supply of services relating to railways in Great Britain⁴.
- 3.6 Our market study will cover mainline stations operated by either Network Rail or TOCs. This scope encompasses stations in Scotland operated by ScotRail and stations in Wales operated by Transport for Wales (**TfW**). This scope covers the majority of mainline stations. Furthermore, this covers most mainline stations usage, accounting for over 90% of total entries and exits⁵ (excluding London Underground stations). The exclusion of London Underground stations is partly on methodological grounds (while some stations are also connected to the mainline

⁴ 9 Section 69(1)(a) of the Railways Act

⁵ From data collected for ORR's Estimates of station usages, April 2021 to March 2022.

network, most aren't) and partly related to the dynamics of the railway station catering market (as explained below).

Areas where we do not intend to focus

Vending machines and on-board catering

3.7 We recognise that there are other ways for passengers to access food and beverages when travelling by train. These alternatives may for different passengers at different times include vending machines in railway stations; on-board catering in some train services; and food brought in from outside. But the contractual framework of leaseholds and franchise agreements is, as we understand it, very different between catering at stations and catering on-board and with vending machines. These differences can play a significant role in shaping the market dynamics and our study intends to primarily understand how these complex and long-standing relationships work and influence the market. We will consider on-station and off-station catering options, as well as on-board catering, for the purpose of comparison and analysis.

Metro systems including TfL

3.8 Our market study will not cover stations operated by metro networks, including TfL and its subsidiaries. Our initial findings suggest that the market dynamics in these stations differ from those operated by Network Rail and TOCs. This does not mean that we will not look at what happened in stations operated by parties other than Network Rail or TOCs. We intend to collect data and information on these stations but solely for the purpose of comparison and analysis.

Themes we propose to consider

3.9 We intend to focus our work on the potential issues that became apparent in preparing for our market study. Therefore, our work will focus across key themes as follows:

- (a) Theme 1: Nature of competition;
- (b) Theme 2: Legal and contractual framework and its impact on the competitive landscape for station catering;
- (c) Theme 3: Value for money

Theme 1: Nature of competition

3.10 We want to better understand the structure of the railway station catering market in order to assess the state of competition. The primary focus of our study will be on the strength of competition to occupy station outlets between would-be catering

tenants, although we will also consider the role played by head-to-head competition between rival outlets at larger stations.

- 3.11 We will seek to obtain a better understanding of the boundaries of the market and/or how far the market is segmented (for example how far if at all the situation at large stations is substantially different from medium and smaller stations). We intend to look at features including:
- **Concentration.** We will consider the number of companies involved in station catering, their strengths, and their record in bidding for station tenancies.
 - **Barriers to entry.** We will consider the churn of catering companies in outlets at stations and the process to get access to outlets at stations and the principal factors which act to limit the choices available to station operators.

Theme 2: The legal and contractual framework

- 3.12 We have identified commercial tenancy agreements between catering companies and station operators (or intermediaries) as an important feature of the market and a potential cause for distortion of competition. Some of these agreements are concluded under Part II of the Landlord and Tenant Act 1954, which protects business leases. We will consider this legislation and how it is applied, across Great Britain.
- 3.13 We will consider the question of protected leases, i.e. leases that give the incumbents the right to have their tenancies renewed on expiry and to stay in the same outlets at stations. We will look at the conditions for not renewing the tenancies and will assess whether they might constitute barriers to entry to other suppliers.
- 3.14 We will consider other clauses that potentially affect competition. We understand there may be clauses where retailers held exclusive rights to sell certain products, at stations. Contractual clauses such as these have the potential to restrict competition.
- 3.15 We will also aim to understand how franchise agreements fit into the stations' contractual framework and their potential impact on station catering competition there.

Theme 3: Value for money

- 3.16 We will analyse the outcomes of the competitive process within this market, focusing on the impact on both passengers and taxpayers. This will be a key factor in any later consideration of possible recommendations or remedies. Observing consumer outcomes may also strengthen our understanding of the competitive process.

- 3.17 The outcomes we will evaluate encompass a wide range of factors, including observable and quantifiable elements such as the prices charged by and profits earned by catering companies, as well as less easily measurable but equally important aspects such as quality, accessibility, and innovation. Where possible we will do this with reference to comparable markets.
- 3.18 The recent transfer of revenue risk from private sector TOCs to the public sector extends to income received from railway outlets at TOC operated stations. Since the Covid-19 pandemic, franchise agreements that regulated the relation between TOCs and public funders moved into new forms of contracts (e.g. National Rail Contracts). These new contracts partially transferred revenue risks from TOCs to the government. In parallel, the ownership of three TOCs was transferred to the Government (i.e. London North Eastern Railway Limited, Northern Trains Limited, and South East Trains Limited), via its entity, DfT OLR Holdings Limited (DOHL). DOHL facilitates the legal transfer of ownership from the private to public sectors for TOCs when required by the Secretary of State for Transport. It is wholly owned by the Secretary of State for Transport.
- 3.19 It creates an even stronger tie between passenger and property income and the Secretary of State's funds. Weak competition in bidding for station contracts may result in lower rents for TOCs and for Network Rail, and thus potentially lower funds generally available for stations or increased contributions from public funders. We will gather evidence on this key issue.
- 3.20 We will ask public funders about their strategies towards commercial income generated by catering activities at stations. We will look especially at TOCs and their contractual arrangements with public funders. We want to understand the extent to which they are incentivised or directed to develop their commercial activities at station to generate more revenue and whether there is scope for greater proactivity. We will also take into consideration how Rail Reform may affect station management in the future; for this, we intend to engage with relevant stakeholders such as the DfT and Great British Railways Transition Team (**GBRTT**) to the extent that it is relevant to this market study.
- 3.21 We also intend to look at another aspect of public funding which is the support that retail operators at stations might have received during the Covid-19 pandemic. We think such information could provide useful context to understand the commercial behaviour of station operators and how they design their commercial strategies following a time of reduced economic activity on the railway.

4. Consultation questions and next steps

- 4.1 We welcome submissions from consumers, businesses and other interested parties on any of the issues raised in this Statement of Scope and the accompanying [Notice](#), including on whether ORR should make a market investigation reference. We particularly welcome responses on the questions set out below.

Scope

1. Do you agree with the proposed product and geographic scope of the market study as set out in Chapter 3 of this Statement of Scope? In particular, do you agree with our decision to exclude on-board catering and/or TfL station catering from the scope of the market study? Please also provide the reasons to your submitted answers.
2. Are there any of our proposed areas which should in your view be of particular focus?
3. Are there any important omissions from our proposed scope? Related to this, are there any potential future developments, including through technological change, that you expect to materially affect this market? If so, how, if at all, we should take these into account in our assessment?

Theme 1: Nature of competition

4. How strong in your view is the current level of competition between railway catering companies? Please provide your views on how if at all such competition could be strengthened.
5. What scope is there for smaller and/or independent catering/food and beverage companies to compete with the major catering/food and beverage companies?

Theme 2: Legal and contractual framework

6. Do you consider the protected leases framework to be a restrictive factor for station catering competition? If so, how would you propose to overcome it?
7. Do you consider any other factors in the leasehold process have a bearing on competition for station catering and if yes how and why.

8. How can the functioning of the market be improved?
9. Can you suggest any other contractual models in other railway retail context across Great Britain we should look at, where you consider station catering competition may work better because of different/more flexible contractual arrangements?
10. Are there any contractual models or best practice from other jurisdictions that you believe could be beneficial for improving the contractual framework between railway stations and catering companies across Great Britain?
11. Are there any contractual models or best practice from other travel retail context (e.g. airport terminals) that you believe could be beneficial for improving the contractual framework between railway stations and catering companies across Great Britain?

Theme 3: Value for money

12. In your opinion, what are the key factors that make a railway station catering service desirable and appealing to customers?
13. What are the key factors you consider disincentivise passengers from using station catering or make it a less desirable choice?
14. In your opinion does the existing station catering offer value for money to passengers and taxpayers?
15. In your opinion, do the catering retail choices in mainline stations (in terms of brands, service, variety, quality of products etc.) meet the expectations/preferences of consumers and passengers? And if not, why?
16. Do you have any other observation or information in relation to station catering you wish to raise with us? Please provide reasoned observations.

- 4.2 In addition to considering responses to this document, we intend to gather evidence through a range of methods to inform our review, including: information requests to key parties; analysing existing datasets and research; reviewing contracts; and meetings with interested parties. We will also consider ways to better understand consumer views on the market (e.g. via undertaking consumer research).

- 4.3 The market study will strive to gather the most current information available, including data from the pre-Covid-19 pandemic period, typically spanning the past five years. This comprehensive approach aims to provide a holistic understanding of the market and its dynamics, including the impact of the pandemic and the subsequent recovery phase. While the primary focus will be on recent data (i.e. within the past 5 years), there may be instances where older information is sought and considered if it contributes to explaining the current market situation or provides insights into the market's structure.
- 4.4 Information and updates about this study will be added to the case page on a regular basis.

Responding to this Statement of Scope and the Notice

- 4.5 Please email written submissions on the market study by **7 July 2023** to:
- Email: cateringstudy@orr.gov.uk
- 4.6 We intend to publish responses to this Statement of Scope, therefore:
- (a) Please supply a brief summary of the interests or organisations you represent, where appropriate.
 - (b) Please consider whether you are providing any material that you consider to be confidential, and explain why this is the case. The factors that we must have regard to in these circumstances are set out in Annex A. Please provide both a confidential and non-confidential version of your response.
- 4.7 If you are an individual (i.e. you are not representing a business or other organisation), please indicate whether you wish your response to be attributed to you by name or published anonymously.
- 4.8 An explanation of how we will use information provided to us can be found in the Annex A. The Annex sets out how we may use information provided to us during the course of this market study, including where we may need to refer to information in order to pursue enforcement action against a business in this sector.

Use of information provided to ORR

This annex sets out how ORR may use information provided to it during the course of this market study.

Why is ORR asking for information?

The information you provide will help us better understand the market concerning 'railway station catering' and identify any competition issues.

What will ORR do with the information I provide?

Your information will inform our final market study report, and any interim updates. ORR may publish information you provide and identify you as a contributor of it in those reports, or alongside them on our website. The final market study report will set out our findings and any proposed remedies to any problems we find.

ORR may disclose any information provided by you for the purposes set out in sections 7, 170 and 241 to 243 of the Enterprise Act 2002, where it considers such disclosure to be appropriate. In particular, ORR may choose to put information provided by you to third parties, such as other Government departments and other parties providing information to ORR, for the purpose of facilitating any further related work.

ORR may share your information within ORR to facilitate the performance of its functions. ORR may use information you provide to take enforcement action, including against businesses operating in the markets within the scope of this study, using its competition or consumer powers. ORR may also share your information with another enforcement authority or with another regulator for them to consider whether any action is necessary.

Unless an exemption applies, ORR may disclose the fact that you have provided information to it, and the information you have provided, in accordance with its obligations under the Freedom of Information Act 2000.

Will ORR take steps to protect my information?

We may only publish or share information in specific circumstances set out in legislation (principally in Part 9 of the Enterprise Act 2002). In particular, prior to publication or any such disclosure, we must have regard to (among other considerations) the need for excluding, so far as is practicable:

- any information relating to the private affairs of an individual which might, in our opinion, significantly harm the individual's interests; or

- any commercial information relating to a business which, if published or shared, might, in our opinion, significantly harm the legitimate business interests of that business.

We will redact, summarise or aggregate information in published reports where this is appropriate to ensure transparency whilst protecting legitimate consumer or business interests.

How will ORR handle any personal data I provide?

Any personal data you provide to us will be handled in accordance with the ORR's obligations under the UK General Data Protection Regulation and the Data Protection Act 2018.

What should I do if you have concerns about how ORR will use any information I provide?

You should make clear to ORR any information that you consider to be confidential when you provide it to ORR and set out why you consider it to be confidential.

If ORR wants to include any sensitive commercial or personal information in a document that will be published it will, save in exceptional circumstances, contact you prior to publication to give you an opportunity to tell it about any concerns you may have regarding that publication.



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