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**Nigel Oatway**  
Access Manager



7 February 2017

Dear Liz,

### **ORR's ECONOMIC ENFORCEMENT POLICY AND PENALTIES STATEMENT**

DB Cargo (UK) Limited ("DBC UK") has considered carefully the contents of the document issued by Office of Rail and Road ("ORR") in December 2016 entitled "*ORR's economic enforcement policy and penalties statement*" ("the Statement") and considers that it incorporates in a clear and effective way the changes that have become necessary as a result of the recent introduction of The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016.

However, DBC UK wishes to understand whether or not parties to connection contracts could also now be subject to the provisions of the Statement by virtue of the recent changes. DBC UK understands that the majority of connection contracts come under the access provisions of the Railways Act 1993 so parties to such contracts could also, in certain circumstances, become subject to a direction by ORR under section 17 (and perhaps section 22A) of the Act. If parties to connection contracts are in fact now subject to the Statement by virtue of the changes, DBC UK suggests that it may be helpful for this to be made explicit in the Statement.

Yours sincerely,

**Nigel Oatway**  
Access Manager