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20 October 2022

**Notice of statutory consultation on changes to modify the
Complaints Handling condition in the GB Passenger Statement of
National Regulatory Provisions (SNRP) of Eurostar International
Ltd**

ORR hereby gives notice under Regulation 13(2) of the Railway (Licensing of Railway Undertakings) Regulations 2005 of its proposals to modify the Complaints Handling Condition (the “**Condition**”) in Eurostar International Ltd GB Passenger SNRP:

Passenger SNRP

Issue Date: 28/11/2005

Licence Number: UK 02 2005 0027

Annex A to this statutory consultation set out our proposals to modify the Condition and include obligations to establish and comply with a complaints handling procedure (CHP) that complies with ORR’s Complaints Code of Practice (CoP).

We request the consent of Eurostar International Ltd in order to make the modifications as set out at Annex A1. We would be grateful to receive written consent, representations or objections by 5pm on 21 November 2022 using the proforma published alongside this document.



If we do not receive the consent required, we will consider referring the matter to the Competition and Markets Authority under Schedule 3 of the Railway (Licensing of Railway Undertakings) Regulations 2005.

This notice is also being published on our website.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Stephanie Tobyne', is positioned below the text 'Yours sincerely'.

Stephanie Tobyne

We may publish all responses to this consultation on our website. Should you wish for any information that you provide to be treated as confidential, please be aware that this may be subject to publication, or release to other parties or to disclosure, in accordance with the access to information regimes. These regimes are primarily the Freedom of Information Act 2000 (FOIA), the General Data Protection Regulation (GDPR,) the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004.

Under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, if you are seeking confidentiality for information you are providing, please explain why. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on ORR.

If you are seeking to make a response in confidence, we would also be grateful if you would annex any confidential information, or provide a non-confidential summary, so that we can publish the non-confidential aspects of your response.

Annex A: Complaints Handling

Effect and reasons for proposed modifications

Under their current licences, passenger and station operators must establish and comply with a complaints handling procedure (CHP) that is approved by the Office of Rail and Road (ORR). Our [guidance](#) on complaints handling procedures for licence holders sets out what we will look for when carrying out our approvals role and when monitoring for continuing compliance.

On 4 August 2021, we consulted on replacing this guidance with a new Complaints Code of Practice (CoP) and on amending and simplifying sections of the complaints handling licence condition. We published our response to the August 2021 consultation on 28 June 2022. At the same time we published a second consultation on the amended CoP and on the text of the draft Condition and asked for any comments by 5 August 2022. Our final decision document was published on 10 October and can be found [here](#), along with details of all preceding consultations.

The principal effect of these changes is that ORR will no longer approve individual licence holders' CHPs. Instead, licence and SNRP holders will be required to establish and thereafter comply with a CHP that complies with our CoP. This is intended to incentivise licence holders to take greater ownership of their complaints handling procedures. It will also allow ORR to focus more attention on outcomes for passengers with resources refocused on compliance and performance monitoring.

The proposed modifications are contained in **Annex A1** to this Notice.

The reasons for the changes we are proposing were set out in our August 2021 consultation and continue to apply. In summary, we are proposing to replace the current CHP approval process (and Transport Focus and London TravelWatch's role within it) with a requirement on licence holders to establish and comply with a CHP that complies with our CoP. We are proposing to do this by amending paragraph 1 of the Condition and removing paragraph 2.

We are also removing the paragraph 3 requirement to display or procure the display of a notice giving the address from which a current copy of the complaints procedure may be obtained. This is superseded by the broader requirements within Provision 1 of the CoP around promoting awareness of the complaints process.

The requirement in paragraph 3 to make available free of charge a copy of the complaints procedure to any person who requests it has been removed from the licence condition and is carried forward into the CoP instead.



The requirement in paragraph 4 for Eurostar to keep its Complaints Procedure and the manner in which it has been implemented under review has also been removed. Going forwards ORR will monitor licence holders' compliance with the CoP (see clause 1.7 of the CoP) and may publish a revised CoP, as it considers appropriate (see clause 1.8 of the CoP).

Having gained views from stakeholders on the proposed modifications to licences and SNRPs pertaining to the procedure for handling complaints, we consider that the changes set out at **Annex A1** should be made for the reasons set out above.



A1: Proposed modifications to the Condition in the Passenger SNRP

We propose to replace the current Condition with the following text.

Complaints Handling

1. The SNRP holder shall establish and thereafter comply with a procedure for handling complaints relating to licensed activities from its customers and potential customers. The procedure shall comply with the Complaints Code of Practice, and shall also comply with article 27 of the PRO Regulation.
2. For the purposes of this Condition:

"Complaints Code of Practice" means
 - the Complaints Code of Practice published by ORR, as amended from time to time.
3. Not used
4. Not used