

## ROLLING STOCK LEASING MARKET INVESTIGATION

### Notice of provisional findings made under Rule 10.3 of the Competition Commission Rules of Procedure

1. On 26 April 2007, the Office of Rail Regulation (ORR), in exercise of its duty under section 131 of the Enterprise Act 2002 (the Act), referred to the Competition Commission (CC) the leasing of rolling stock for franchised passenger services and the supply of related maintenance services in Great Britain. We are required to publish our final report by 25 April 2009.

#### Provisional findings

2. The CC inquiry group (the Group) appointed to consider this reference has provisionally found, on the statutory questions it has to decide pursuant to section 134(1) of the Act, that there are features of the relevant markets, either alone or in combination with each other, that prevent, restrict or distort competition and hence that there is an adverse effect on competition within the meaning of section 134(2).
3. The Group's reasons are set out in full in the provisional findings report, which is attached to this notice, and are summarized in the summary of the provisional findings report (see note below).

#### The next steps

4. The Group now invites interested parties to submit reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied).
5. These reasons should be received by the Group no later than Friday 12 September 2008.
6. The Group will have regard to any such reasons in making its final decisions on the statutory questions and actions.
7. The Group is also publishing a Notice of Possible Remedies which it considers might be taken by the CC to remedy the adverse effects provisionally identified, comments upon which should also be received in writing no later than 12 September 2008.

*(Signed)* DIANA GUY  
Group Chairman  
7 August 2008

*Note:* A copy of this notice and the executive summary of the provisional findings report will be placed on the CC website on 7 August 2008. The CC proposes to publish the provisional findings report on its website by 8 August 2008. The published version of the provisional findings report will not contain any information which the Group considers should be excluded from the report, having regard to the three considerations set out in section 244 of the Act.