

PDF's of appended documents (except Appendix 5) supplied by What Car in support of this application can be requested from Marie Cawley, Consumer & Competition Policy Directorate, DTI. Tel: 020 7215 6771 or email: marie.cawley@dti.gsi.gov.uk

Marie Cawley
Consumer and Competition Policy Directorate
Department of Trade and Industry
Bay 417
1 Victoria Street
London
SW1H 0ET

April 30, 2007

Dear Ms Cawley,

Application for designation as a 'super-complainant' under the Enterprise Act 2002

I am writing to you on behalf of What Car? (including whatcar.com) to apply for designation as a 'super-complainant' under section 11 of the Enterprise Act 2002.

We believe What Car? is in an unparalleled position to represent the interests of motorists across a wide range of issues, and is ideally suited to designation as a 'super-complainant' under the broad criterion laid out in the Act.

In our opinion, our reviews, surveys, research, mystery shops, campaigns and features provide us with insights into the car market that would allow us to champion the cause of motorists in this way.

We are dedicated to promoting high standards in the quality of goods available to motorists through our impartial, comprehensive and highly-regarded road tests and group tests. Our car reviews also aim to promote high standards of safety and security with weighting for these areas in final verdicts.

Reviews are bolstered by detailed data sections, both online and in print, which allow for easy and accurate comparison of different products for the most informed purchasing decision possible. Consumers can also draw on our online comparison tool at whatcar.com to easily examine different products in detail and make the best buying decision as a result.

Promoting high standards in the services supplied to motorists is also at the heart of our activities. Annual, in-depth surveys, mystery shops and advice sections in the magazine and online at whatcar.com explain consumer rights, empower motorists to act with confidence and knowledge, and show them how to seek redress if things go wrong.

Our staff are on hand to deal with specific queries on a day-to-day basis, while our Helpdesk service provides advocacy in individual disputes and has resolved the vast majority with great success in favour of the consumer.

Criterion 1 – the body is so constituted, managed and controlled as to be expected to act independently, impartially and with complete integrity

What Car? is the UK's leading consumer motoring title. It places the consumer at the core of its activity, and all work that we undertake is guided by the principal that it should help motorists buy and run a car as cost-effectively and safely as possible.

What Car? strives to ensure that motorists get the very best products and services available, and to improve the quality of products and services made available to them in the future. It seeks to empower consumers by explaining their rights in law, and by demystifying the car buying and owning process.

It has established a peerless reputation for providing impartial advice and honest, thorough reviews of cars since its launch in 1973. This consumer resource is available each month through the magazine title What Car?, and for free through our immensely popular website whatcar.com.

What Car?'s authoritative research, advice and opinions are widely quoted in national and local media, and we are frequently interviewed on radio and television on these areas and the wider issues affecting motorists.

A highly experienced and tight-knit editorial team produces the content which appears in What Car? and online at whatcar.com. From this team, the group editor and group consumer editor would be responsible for launching any super-complaint.

They are all acutely aware of the need for the interests of consumers to be the only consideration in launching a super-complaint, and that publicity for the magazine or website would never be a contributing factor.

Furthermore, with decades of experience of the car market between them, these key staff members are only interested in launching super-complaints where there is a realistic possibility that benefit to consumers would result.

We will introduce rigorous vetting and controls to ensure that the crucial impartiality and quality of super-complaints is always retained.

All departments within What Car?, and its publisher Haymarket Media Group Limited (HMGL), are conscious that the continued good reputation and success of the magazine relies on it remaining wholly impartial and completely independent of commercial considerations in the preparation of its reviews and advice.

No editorial staff member or HMGL director have directorships, interests or share-holdings in any company trading in any area over which What Car? wishes to consider launching super-complaint.

HMGL is a company limited by shares (Number 267189), governed by its Memorandum and Articles of Association which, along with details of key staff, directors and accounts (HMGL was then called Haymarket Publishing Group Limited), are supplied in the appendices.

Criterion 2 – the body can demonstrate considerable experience and competence in representing the interests of consumers of any description AND Criterion 3 – the body has the capacity to put together reasoned super-complaints on a range of issues

Over the last 34 years, What Car? has successfully worked to equip motorists with all the knowledge and skills they need to buy, run and sell their car safely, cost-effectively and confidently. We have decades of experience evaluating cars, providing advice and writing on the consumer laws that affect motorists.

Besides providing thousands of new and used car reviews to enable motorists to make the most informed buying decision, the magazine and website research and publish detailed findings on a range of issues and services which affect motorists.

These include mystery shopping exercises on the quality of service from workshops and tactics used by car salesmen, child seat crash testing and annual features examining the reliability and security of cars and the levels of satisfaction owners have with them.

Our Target Price feature was a groundbreaking addition to the What Car? offering in 2001. It continues to mystery shop dealerships and discover achievable discounted transaction prices for every new car on sale. By avoiding the list price, consumers can save, on average, more than £1500 each – around £75 million over the past year.

The team of What Car? mystery shoppers also collect information on hundreds of deals every month that aim to save consumers even more money.

We have access to legal teams to help us address detailed issues facing motorists, while our Helpdesk service has a track record of highly effective advocacy.

We have worked at Governmental level before, sitting on the Vehicle Crime Reduction Action Team (VCRAT) following our annual security surveys which were at the forefront of the drive to improve security. Our experts still advise manufacturers on how to improve the security of their cars.

Other surveys, features and supplements highlighting the financial savings available by importing cars from continental Europe also led to us being the only motoring title invited to give evidence at the Competition Commission's open hearing into new car sales and supply led by Denise Kingsmill.

We are also working with the Department for Transport to develop its Act on CO2 initiative which aims to help motorists choose more environmentally friendly cars.

We believe that the intimate knowledge What Car? has of the car market would enable us to put together super-complaints on a wide range of issues. We also believe these super-complaints would have a strong chance of measurable improvements in the quality of goods and services offered to motorists.

Examples of the work which What Car? undertakes are supplied in the appendices.

We have studied the OFT's guidance on submitting a super-complaint, and are confident that that we would be able to fulfil all the requirements.

Criterion 4 – the body is willing to work with the Office of Fair Trading and/or with any other authority, body or person having responsibility for responding to a super complaint

What Car? undertakes to fully cooperate with the OFT and any other authority, body or person having responsibility for responding to a super complaint. Furthermore, What Car? also undertakes to take full account of any and all guidance issued by the OFT.

Criterion 5 – the fact that a body has a trading arm will not disqualify it from being designated provided that the trading arm does no control the body, and any profits of the trading arm are only used to further the stated objectives of the body and the body has established procedures to ensure that any potential conflicts of interest are properly dealt with

The editorial department responsible for providing consumers with reviews and advice is operated entirely separately from all commercial and trading arms of HMGL.

It is not swayed by commercial or trading decisions, and no contact between the editorial and trading arms of the company would ever be made in the production of What Car?'s advice, reviews or a super-complaint.

Super-complaints would only arise from research we undertake to serve the interests of consumers.

We also undertake to make no super-complaints in markets in which HMGL has trading interests, namely magazine publishing, magazine distribution, exhibition organisation, used car warranties and car insurance. We also undertake to immediately notify the department of any material changes to the information supplied which could be relevant to meeting any of the criteria.

Yours sincerely

Steve Fowler
Group Editor
What Car?

List of Appendices

Appendix 1 - Memorandum and Articles of Association

Appendix 2 - Accounts 2005

Appendix 3 - Accounts 2004

Appendix 4 - List and biographies of relevant staff and board members

Appendix 5 - Additional profile information for board members (addresses not for publication)

Appendix 6 – Samples of work, product reviews

Appendix 7 – Samples of work, mystery shopping

Appendix 8 – Samples of work, financial advice

Appendix 9 – Samples of work, advice and advocacy

Appendix 10 – Samples of work, annual surveys

Appendix 11 – Samples of work, campaigns