



COMPETITION APPEAL TRIBUNAL

NOTICE OF A CLAIM UNDER SECTION 47A OF THE COMPETITION ACT 1998

CASE NO. 1298/5/7/18

Pursuant to rule 33(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (“the Tribunal Rules”), the Registrar gives notice of the receipt of a claim for damages (“the Claim”) on 2 October 2018, under section 47A of the Competition Act 1998 (the “Act”), by Achilles Information Limited (“the Claimant”) against Network Rail Infrastructure Limited (“the Defendant”). The Claimant is represented by Fieldfisher LLP, Riverbank House, 2 Swan Lane, London, EC4R 3TT (Reference: John Cassels).

The Claimant is an undertaking active in the market for the provision of supplier assurance services in the rail industry in Great Britain (“GB”).

The Defendant is an undertaking active in the market for the operation and provision of access to national rail network infrastructure in GB. The Claim states that the Defendant operates a series of supplier schemes which impose terms on persons wishing to supply the Defendant or to have access to the Defendant’s managed infrastructure, in particular: (i) its Principal Contractor Licensing Scheme; (ii) the Sentinel Scheme (which provides individuals with permissions to work on rail infrastructure); and (iii) its Plant Operator Scheme (“Network Rail Schemes”).

The Claimant alleges that the Defendant has breached both the Chapter I and Chapter II prohibitions (as defined by section 59(1) of the Act) by imposing a requirement, in particular through the Network Rail Schemes, that the Railway Industry Supplier Qualification Scheme (“RISQS”) be the mandatory supplier assurance scheme in the GB rail industry, to the exclusion of other potentially competing schemes.

The Claimant seeks a direction that the Claim be heard on an expedited basis.

The Claimant claims:

- (1) An injunction restraining the Defendant from (i) continuing to abuse its dominant position by adopting a strategy of excluding supplier assurance schemes other than RISQS and in particular the Claimant’s supplier assurance scheme from the rail industry; (ii) continuing to breach the Chapter I prohibition by including requirements in its supplier schemes that suppliers only use RISQS and not other supplier assurance schemes;
- (2) Damages;
- (3) Interest at such a rate that the Tribunal considers appropriate, pursuant to Rule 105 of the Tribunal Rules;
- (4) Costs;
- (5) Further or other relief.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by post at Victoria House, Bloomsbury Place, London WC1A 2EB, or by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa OBE, QC (Hon)
Registrar

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