



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1298/5/7/18

BETWEEN:

**ACHILLES INFORMATION LIMITED**

Claimant

- v -

**NETWORK RAIL INFRASTRUCTURE LIMITED**

Defendant

---

**ORDER**

---

**UPON** the Tribunal having handed down its judgment on the preliminary issue in these proceedings on 19 July 2019 ([2019] CAT 20)

**AND UPON** considering correspondence and draft orders from the parties

**AND UPON** reading written submissions by the Claimant and Defendant as to the form of this order and hearing from their counsel at a hearing on 12 September 2019

**IT IS ORDERED THAT:**

**Giving effect to [2019] CAT 20**

1. The Defendant (“Network Rail”) shall cease to impose on suppliers or persons seeking access to its infrastructure under the Sentinel Scheme and On-Track Plant Operations Scheme (the “OTPO Scheme”) a requirement to obtain supplier assurance only through the Railway Industry Supplier Qualification Scheme (“RISQS”) and not through alternative schemes (save that Network Rail may require suppliers contracting directly with it to obtain supplier assurance through RISQS for the purposes of the direct contract with Network

Rail, but may not require such contractors to impose such a requirement on any sub-contractors).

2. Network Rail shall, for the purposes of granting access to its infrastructure or for granting permission to operate on-track plant (save as provided in paragraph 1 above), accept any supplier assurance through alternative schemes that is equivalent to the assurance that can be obtained through RISQS for these purposes. Recognition of such equivalence shall be subject only to such reasonable and proportionate conditions as are objectively justified by the need to ensure safety on the railway network.
3. Network Rail shall publish any such reasonable and proportionate conditions for recognition as it wishes to impose in accordance with paragraph 2 above as soon as reasonably practicable.
4. Following the publication of conditions under paragraph 3 above, Network Rail shall on request confirm and publish its recognition as equivalent of assurance provided by an alternative supplier assurance scheme, such confirmation to be provided promptly and not unreasonably to be withheld.

#### **Outstanding issues**

5. There be a case management conference to consider directions to trial on the outstanding issues of dominance and damages, to be listed with a time estimate of half a day after this paragraph becomes effective pursuant to paragraph 6 below but to be vacated if not needed.

#### **Suspension**

6. The effects of this Order be suspended until (a) time expires for Network Rail to make any renewed application for permission to appeal to the Court of Appeal without such application being made; or (b) if such an application is made, that application for permission to appeal has been determined by the Court of Appeal.

#### **Miscellaneous**

7. There be liberty to apply.

**Andrew Lenon Q.C.**  
Chairman of the Competition Appeal Tribunal

Made: 12 September 2019  
Drawn: 20 September 2019