

Achilles v Network Rail – Court of Appeal dismisses Network Rail’s appeal

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Achilles will now engage with stakeholders across the rail industry to evolve and develop supplier assurance services.

The Court of Appeal handed down judgment in an appeal brought by Network Rail against the decision of the Competition Appeal Tribunal (CAT) in July 2019.

Network Rail had appealed a CAT ruling from July 2019 where Achilles Information Limited (Achilles) won its claim challenging the way in which Network Rail controlled access to rail infrastructure which effectively prevented Achilles providing its supplier assurance services to the rail sector.

The Court of Appeal, dismissing Network Rail’s appeal, upheld the CAT’s finding that the requirement that suppliers and persons seeking access to Network Rail’s managed infrastructure must obtain supplier assurance only through RISQS (and not through alternative providers) was unlawful and infringes the Chapter I and Chapter II prohibitions of the Competition Act 1998. As a result, Achilles is now be able to compete with RISQS in the rail sector, which will encourage innovation and competition for assurance services.

Commenting on the judgment, Gavin Partridge, General Counsel, Achilles Information said: “We are very pleased that the Court of Appeal has upheld the Competition Appeal Tribunal’s decision. This was a complex case, and the outcome announced is significant for all rail industry suppliers. We look forward to working again with Network Rail and the other stakeholders in the rail sector, building on our 30 years’ experience providing supplier assurance services across complex regulated and safety critical industries.”

Katie Ferrier, Global Director of Customer Engagement, Achilles Information commented: “I am delighted that we have reached a successful conclusion to this case. Achilles has a long history in the UK rail industry, and we now have a clear path to be able to re-engage with stakeholders. We look forward to working with the industry and utilising Achilles’ cross sector expertise to develop a comprehensive offering that delivers assurance services to meet the increasingly complex requirements of the rail industry.”

A Network Rail spokesperson said: “Network Rail is committed to safety across the industry. We are disappointed by the ruling of the Court of Appeal but will continue to engage with Achilles on their platform to maintain the high safety standards we expect of the supply chain. Network Rail will continue to require suppliers that we contract directly with for the supply of safety critical goods, works and services to be members of the RISQS scheme.”

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