



**NOTICE OF A CLAIM FOR DAMAGES UNDER  
SECTION 47A OF THE COMPETITION ACT 1998**

**CASE NO. 1243/5/7/15**

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 17 December 2015, under section 47A of the Competition Act 1998 (the “Act”), by NCRQ Ltd. (the “Claimant”) against the Institution of Occupational Safety and Health (the “Defendant”). The Claimant is represented by Aaron & Partners LLP of Canon Court North, Abbey Lawn, Shrewsbury SY2 5DE (Reference: Stuart Haynes/Nick Clarke).

The Claim arises from an alleged infringement of the Chapter II prohibition in the Act and Article 102 of the Treaty on the Functioning of the European Union (“TFEU”). The Claimant has applied for fast-track designation of the proceedings pursuant to Rule 58 of the Tribunal Rules and for an interim injunction (see Case No. 1242/5/7/15 (IN)).

The Defendant is a health and safety membership organisation that was granted a Royal Charter in 2002. Part of its role is the accreditation of qualifications in the health and safety sector.

The Claimant is a company that has developed qualifications, training material and courses in health and safety, including a diploma in applied health and safety. The Claimant submitted an application to the Defendant for the accreditation of its diploma qualification.

The Claimant alleges that the Defendant holds a dominant position in the market for the accreditation of qualifications in the health and safety sector and that its failure and refusal to accredit the Claimant’s diploma qualification is an abuse of its dominant position, restricting competition in the downstream market for the provision of training leading to qualifications in health and safety.

The Claimant claims:

- (1) An injunction restraining the Defendant from continuing to abuse its dominant position.
- (2) A declaration that the Defendant has abused its dominant position.
- (3) Damages for breach of the Chapter II prohibition in the Act and Article 102 TFEU.
- (4) Interest.
- (5) Costs.
- (6) Such further or other relief as the Tribunal considers appropriate.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at [www.catribunal.org.uk](http://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), fax (020 7979 7978) or email ([registry@catribunal.org.uk](mailto:registry@catribunal.org.uk)). Please quote the case number mentioned above in all communications.

*Charles Dhanowa OBE, QC (Hon)*  
Registrar

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