Swiss Competition Law and Enforcement System

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Vienna, 7 December 2018
Switzerland's special position within Europe…

- Non-EU member state
- Non-EEA member state
- Relationship with the EU governed through bilateral agreements

…also affects its competition law:

- Non-ECN member state
- Switzerland has its own competition law with its own case-law
- Swiss competition law in its essence (materially) similar to EU competition, however with a "Swiss finish"
- Own competition authorities (in principle no competence of the EU Commission, with the exception of the field of civil aviation – bilateral agreement applicable)
Bilateral agreements Switzerland–EU
Swiss Enforcement Model

- **Competition Commission (COMCO)**
  - Decisions
- **Secretariat COMCO**
  - Investigations and preparation of decisions
- **Federal Administrative Court of Switzerland**
- **Federal Supreme Court of Switzerland**
Cooperation Agreement in Competition Matters

› Agreement between Switzerland and the EU concerning cooperation on the application of their competitions laws (in force since December 1, 2014)
  – regulates and facilitates the exchange of information and the transmission of documents
  – regulates the procedural guarantees of the parties concerned
  – not sector-specific

› Bilateral Agreement between Switzerland and the EU on Civil Aviation
  – Provides for a competence of the EU Commission in cooperation with Swiss Competition Commission in certain limited areas in the field of civil aviation