ANTITRUST RULES

BRIEFLY EXPLAINED

CARTELS

Agreements on prices, quantities, territories or customer groups between competing companies are typically particularly harmful. They are prohibited and result in heavy fines.

PRICE CARTEL

Competitors agree on prices with each other.

Example: Agreements on prices and price components, discounts, margins, bid rigging

Practice: Libor, Air freight forwarders, Road construction Grisons, Galvanization

Recommendations

QUANTITY CARTEL

Competitors divide up a market according to quotas or restrict quantities.

Example: Restriction of production, procurement or delivery quantities

Practice: Sanitary wholesalers

Recommendations

MARKET PARTITIONING CARTEL

Competitors divide up customer groups or market areas.

Example: Bid rigging

Practice: Appliance gasoline, See-Gaster, Tunnel cleaning

Recommendations

RPM AND ABSOLUTE TERRITORIAL PROTECTION

Agreements on resale prices or the foreclosure of the Swiss market between supplier and buyer are particularly harmful if there is no economic justification for them. They are prohibited and result in high fines.

RESALE PRICE MAINTENANCE

The supplier and the buyer agree on the buyer's resale prices.

Example: The supplier ensures that the buyer complies with recommended resale prices.

Practice: Mountain sportsarticles, hors liste medications

Recommendations

ABSOLUTE TERRITORIAL PROTECTION

The supplier and the buyer agree that unsolicited orders from Switzerland shall not be served.

Example: Export bans in foreign distribution agreements

Practice: BMW, Gaba, Nikon

Recommendations

ABUSE OF MARKET DOMINANCE

Companies abuse their market dominance or relative market power. The abuse of market dominance results in high fines.

ABUSE OF MARKET DOMINANCE

Market position must be assessed on a case-by-case basis; market share of 50% is an indication of market dominance; market dominance is permissible, but its abuse is prohibited.

Example: Refusal to do business, obstructing third parties in their sales markets

Practice: ADSL, DCC, gas market, Naxoo, SDA, Sport in PayTV

ABUSE OF RELATIVE MARKET POWER

Dependent company does not have sufficient and reasonable alternative options; dependence must be assessed on a case-by-case basis. Relative market power is permissible, but its abuse is prohibited.

Practice: Healthcare, booksmarket, automotive sector

Fact sheet: Relative market power

FURTHER TOPICS

EXCHANGE OF INFORMATION

The exchange of sensitive information between competitors is problematic.

Example: Exchange on prices and price components, discounts, costs, margins

Practice: ASCOPA, Leasing

Information

PRICE RECOMMENDATIONS OF ASSOCIATIONS

Price recommendations of associations are problematic.

Example: Calculation aids that contain prices

Practice: USPI Neuchâtel (RPW 2012/3 657), Upper Valais driving instructor cartel

Information

CONSORTIA

Consortia are in principle admissible.

Example: Companies that can only submit a joint offer

Practice: Annual report COMCO 2013 (RPW 2014/1 60)

Information

CONTACT AND COMPLAINTS

Market participants can contact the competition authorities in the event of questions and uncertainties and submit complaints or leniency applications.

CONTACT

+41 58 462 20 40

Contact form

COMPLAINTS

Unlawful behaviors

Bid rigging

LENIENCY APPLICATIONS

Information and factsheet

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Wettbewerbskommission WEKO
Commission de la concurrence COMCO
Commissione della concorrenza COMCO
Competition Commission COMCO