

**A BRIEF
GUIDE**



COMCO

THE COMPETITION COMMISSION



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

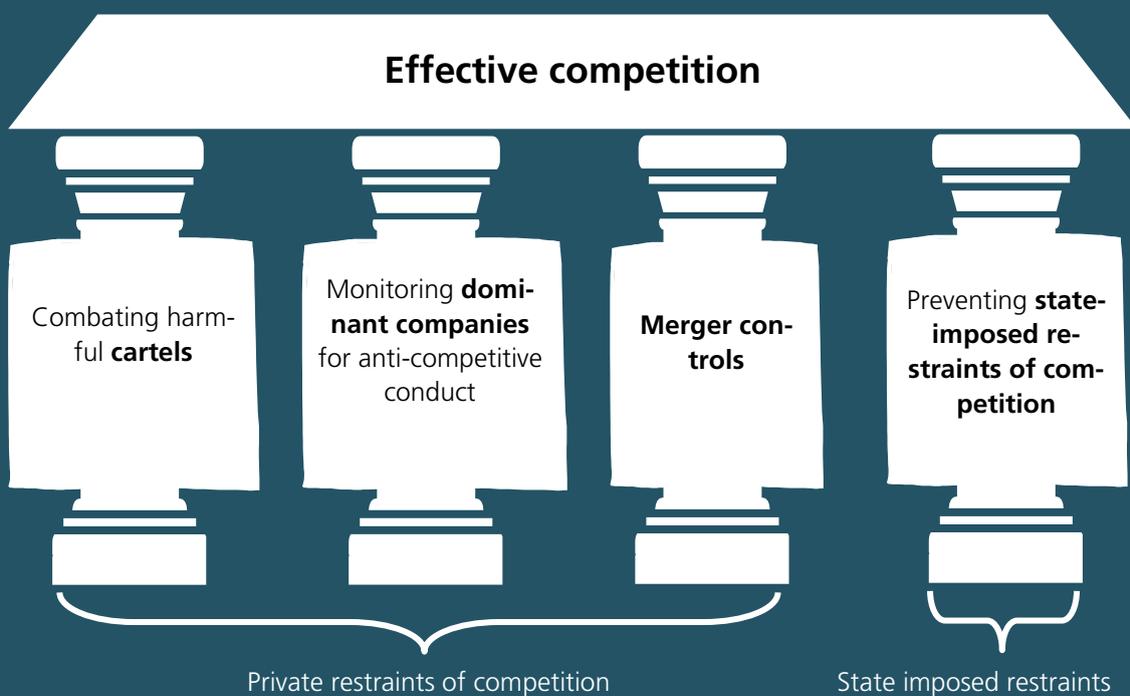
Wettbewerbskommission WEKO
Commission de la concurrence COMCO
Commissione della concorrenza COMCO
Swiss Competition Commission COMCO

The principle of COMPETITION

What would be the point of a sprint relay if it was agreed in advance which team was going to win? How could we enjoy the Swiss wrestling championships if we already knew who would bite the dust in the final? What would Geneva's Escalade Run be like, if the competitors worked out before the race who was going to take the first three places and in what times? There would be no top results and no prospect of genuine contests.

The same applies in the world of business: companies that limit or indeed eliminate competition with each other, by agreeing on prices, for example, do not perform to their best. This has a negative effect on prices and the quality of goods and services. This is why various Swiss laws, such as the Cartel Act and the Internal Market Act, aim to encourage competition in markets and prevent restraints on competition.

COMCO has the task of ensuring fair competition in business.





CARTEL AND INTERNAL MARKET ACT

When companies have to compete to prove their value, this leads to fair prices, high levels of innovation and positive market trends. When companies engage in concerted practices, or dominant companies abuse their position, competition is distorted. Large mergers can also inhibit competition, which is why COMCO reviews these. In addition, COMCO ensures that companies and other businesses are not held back by cantonal regulations and that the Swiss internal market prospers. At federal level too, it examines new laws to assess their effects on competition.

COMCO

The authority comprises the Competition Commission (COMCO) and its Secretariat. COMCO is a part-time body. its 11–15 members, appointed by the Federal Council, are professors of law and economics and representatives of the major trade associations and consumer organisations. ComCo meets every two to four weeks to make the major decisions, including those on fines.

The COMCO Secretariat

COMCO has a full-time Secretariat. The Secretariat conducts competition law proceedings, prepares cases for Competition Commission decisions and is the contact point for competition law matters for businesses, members of the public and authorities. It has four divisions, a resources service and a competence centre for the internal market. Around 70 people work for the Secretariat, most of them lawyers and economists.

DIVISIONS OF THE SECRETARIAT

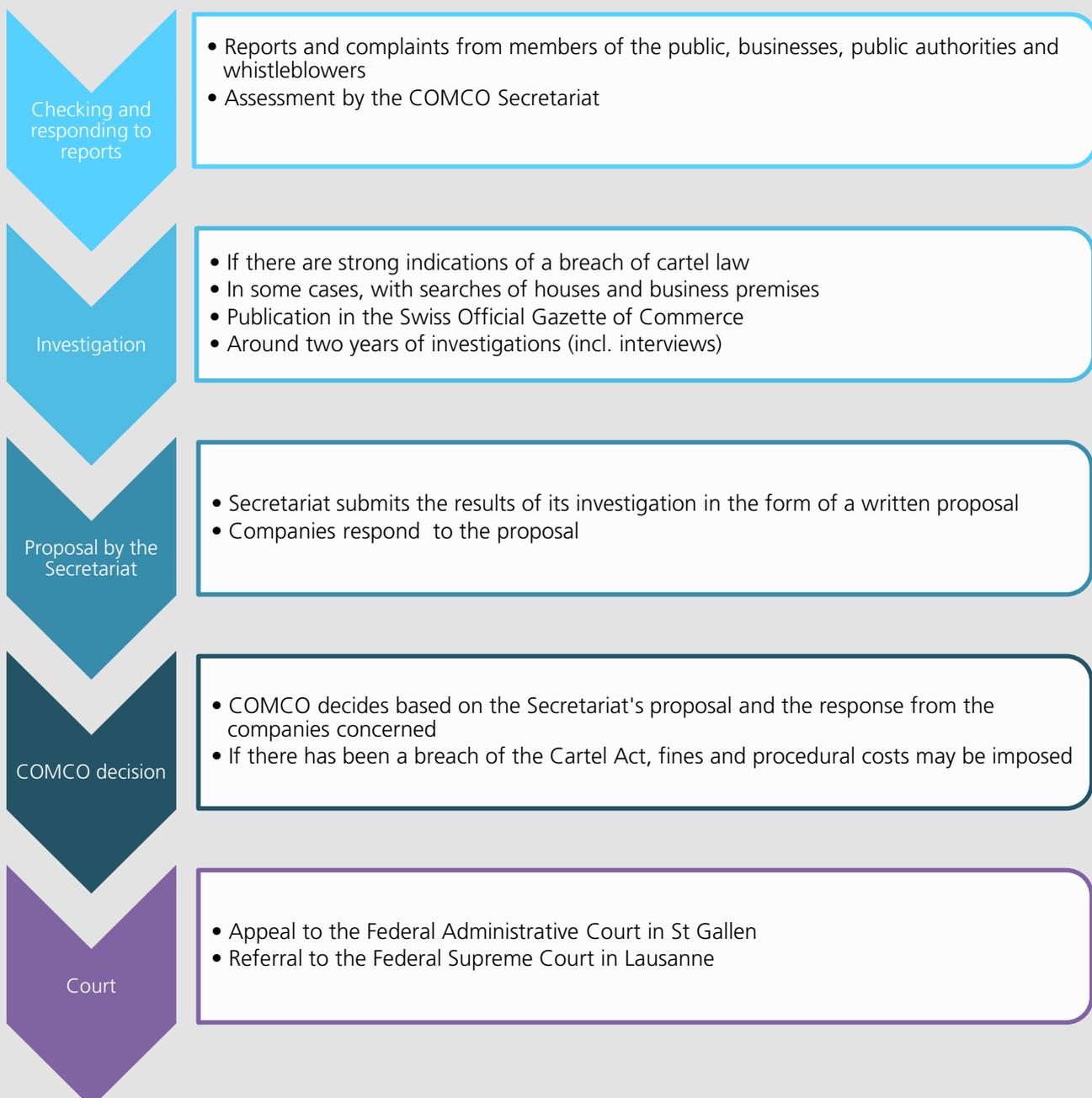
Construction Division	<ul style="list-style-type: none">• Construction markets• Procurement markets• Environmental markets <p>Examples: Construction project bid rigging in the canton of Graubünden, agreements between concrete suppliers in Bern</p>
Service Division	<ul style="list-style-type: none">• Banks and insurance companies• Health care• Liberal professions and commercial and industrial services• Tourism, sport and culture <p>Examples: Agreements in the financial sector and restraints of competition in digital markets</p>
Infrastructure Division	<ul style="list-style-type: none">• Telecommunications• Energy• Transport• Media• Postal services <p>Examples: Gateway Basel Nord, gas transit system</p>
Product Markets Division	<ul style="list-style-type: none">• Consumer goods• Chemicals and health products• Metal and machine industries• Commerce• Agriculture and forestry <p>Examples: Mechanical watch movements, agreements in the automobile sector</p>
Competence Centre for the Internal Market	<ul style="list-style-type: none">• State imposed restraints on competition• Market regulation• Public procurement <p>Examples: Cantonal restraints on trade, protection fees</p>

Starting proceedings

COMCO is the contact point for complaints and reports from members of the public, businesses and authorities. If a member of the public or a business comes across indications of price-fixing agreements between retailers or service providers, for example, they can report their concerns to COMCO. If a company, e.g. a bank, finds that one of its own departments has entered into agreements with other banks, it can report its own conduct to COMCO and benefit from a reduced penalty. Whistleblowers who want to report violations of competition law in their own company can contact COMCO – their information will be treated as confidential. If a company finds that a public authority is awarding contracts without inviting tenders, it makes sense to contact COMCO.

COMCO procedures

The Secretariat examines all the complaints and reports it receives. If they indicate a breach of cartel or internal market law, the Secretariat can pursue the matter through a variety of procedures (monitoring the market, preliminary investigation). If there is clear substance to the allegations, COMCO will open an investigation.





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