



## Explanatory note and form of the Secretariat of the COMCO

### Leniency program (voluntary report)

of 8 September 2014 (Status as of 26 January 2015)

the Competition Commission (COMCO) took note of the explanatory note

### Part I Explanatory note

#### A. Purpose

1. This note outlines the leniency program in accordance with Article 49a (2) of the Cartel Act (CartA)<sup>1</sup> and Articles 8–14 of the Cartel Act Sanctions Ordinance (CASO)<sup>2</sup>. It defines the substantive conditions for obtaining complete or partial immunity from a sanction and clarifies how to proceed in order to file a voluntary report, as well as the report's processing throughout the proceedings. This explanatory note is supplemented with forms which can be found under Part II of the present document.

#### B. Legal basis

2. Pursuant to Article 49a (1) CartA, any undertaking that participates in an unlawful restriction of competition pursuant to Article 5 (3) and (4) CartA, or behaves unlawfully pursuant to Article 7 CartA, shall be charged up to 10% of its turnover that it achieved in Switzerland in the preceding three financial years.

3. The charge may be waived, in whole or in part, if an undertaking assists in the discovery and elimination of the restraint of competition (Article 49a (2) CartA) and meets the conditions for obtaining complete or partial immunity from a sanction set out in the CASO [and included below].

#### C. Scope of the leniency program

4. The CASO provides the possibility for complete immunity from a sanction to the first undertaking to submit a voluntary report under the leniency program<sup>3</sup> (Articles 8 ff. CASO). For all other undertakings, a sanction may be reduced by a maximum of 50% (Article 12 et seq. CASO), or by a maximum of 80% in the case of a « bonus plus », cf. para. 20).

5. A leniency request aiming for complete or partial immunity from a sanction must provide information and/or evidence to all the facts concerning both the objective and subjective elements of the offense. Specifically, the undertaking must reveal the purpose pursued by

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<sup>1</sup> Federal Act of 6.10.1995 on Cartels and other Restraints of Competition (Cartel Act, CartA, modified on 20.6.2003, entry into force on 1.4.2004); RS 251.

<sup>2</sup> Ordinance on Sanctions imposed for Unlawful Restraints of Competition of 12.3.2004 (Cartel Act Sanction ordinance, CASO); RS 251.5.

<sup>3</sup> Leniency programs are also known as “turning Crown’s evidence”.

the reported behavior, the means by which the undertaking implemented this behavior and – depending on the availability of information and evidence – to what extent other undertakings implemented this behavior. The undertaking may file the voluntary report by submitting all available information and/or evidence or provide a transcribed deposition. Typically, an undertaking's submission does not constitute a voluntary report within the meaning of the CASO if it puts the provided information or evidence into doubt. A leniency applicant may, for example, not deny its participation in a concerted practice or generally deny any (possible) harmful effects on competition. The undertaking is however not required to confess to an offense of the Cartel Act or to legally assess the facts it has revealed (e.g. concerning the question of significance).

## **1. Complete Immunity from a Sanction**

6. An undertaking seeking immunity from a sanction must be the first to report its participation in a competition infringement to the competition authorities (Article 8 CASO). It must demonstrate to what extent it participated in agreements or concerted practices with other undertakings which had a restraint of competition as their object or effect (Article 4 (1) CartA). Specifically, it must demonstrate the ends pursued by the infringement of competition and the effects the infringement produced on the market.

7. Immunity from a sanction shall only be granted if the following conditions are met (Article 8 (2)(a) and (c) or Article 8 (2)(b) and (c)):

### ***a. Cooperation which enables the competition authority to open an investigation***

8. The undertaking must be the first to provide information enabling the competition authority to open an investigation (Article 8 (1)(a) CASO).

9. In order for the competition authority to open an investigation, the submitted information must provide indications of an unlawful restraint of competition (Article 27 (1) CartA). This is always the case if the information leads to a sufficient suspicion of an unlawful restraint of competition that enables the authorities to conduct searches within the meaning of Article 42 CartA.

10. Immunity from a sanction based on the cooperation of an undertaking enabling the competition authority to open an investigation shall only be granted if the competition authority does not already possess sufficient information relating to the reported restraint of competition to open an investigation (Article 8 (3) CASO).

### ***b. Cooperation which enables the competition authority to establish an infringement***

11. The undertaking must be the first to provide evidence that enables the competition authority to establish an infringement of competition (Article 8 (1)(b) CASO).

12. Immunity from a sanction shall only be granted based on the cooperation enabling the authority to establish an infringement if:

- no other undertaking has already fulfilled the requirements for complete immunity in accordance with Article 8 (1)(a) (Article 8 (4)(a) CASO)

and

- the competition authority does not already possess sufficient evidence to prove the infringement of competition (Article 8 (4)(b) CASO).

13. Consequently, immunity from a sanction based on the cooperation enabling to establish an infringement may still be granted regardless of whether the competition authority already has sufficient information which enables it to open a proceeding. Even if an investigation has already been opened, or if a search is in progress, as long as the competition authority does not possess sufficient evidence to prove the illicit infringement of competition, immunity may still be granted.

14. The information submitted by an undertaking must meet considerably higher requirements when it should enable the authority to establish an infringement than when it should enable the authority to open an investigation. Whereas the information enabling the opening of an investigation need only provide sufficient suspicion, the disclosed evidence to enable the authority to establish an infringement must provide proof of an unlawful practice.

**c. Other preliminary requirements**

15. Complete immunity will be granted in both cases (cooperation enabling the authorities to open an investigation pursuant to letter (a) and cooperation enabling the authorities to establish an infringement pursuant to letter (b)) provided the following additional conditions have all been met (Article 8 (2) CASO):

- The reporting undertaking has not coerced any other undertaking into participating in the infringement of competition and has not played an instigating or leading role in the relevant infringement of competition;
- The reporting undertaking voluntarily submits to the competition authority all available information and evidence relating to the infringement of competition that lies within its sphere of influence;
- The reporting undertaking continuously cooperates throughout the procedure without restrictions or delay;
- The reporting undertaking terminates its participation in the infringement of competition upon submitting its voluntary report [or upon being ordered to do so by the competition authority].

16. The Competition Commission (COMCO) shall decide whether to grant complete immunity from the sanction (Article 11 CASO).

**2. Reduction of the Sanction (Article 12 and 13 CASO)**

17. Complete immunity from the sanction may be granted only to a single undertaking – the first to submit a voluntary report. All other undertakings have the possibility to qualify for partial immunity from the sanction, i.e. a reduction of the sanction (Article 12–14 CASO).

18. In order to benefit from a reduction of the sanction an undertaking has to report its involvement in an infringement of competition (cf. para. 6) and cooperate *voluntarily* in the procedure. In particular, the undertaking has to:

- submit all available information and evidence to the competition authority that lies within its sphere of influence;
- cooperate with the competition authority continuously, fully and without delay throughout the proceedings and
- terminate its participation in the infringement of competition at the time it submits its voluntary report or at the first instruction from the competition authority (cf. para. 15).

19. The sanction may be reduced by up to 50 % depending on the extent to which the undertaking contributes to the procedure's success. The value of voluntarily produced information or evidence decreases if said information and/or evidence has already been provided by other undertakings.

20. The sanction may be reduced by up to 80 % if an undertaking voluntarily provides information relating to further infringements of competition (« Bonus Plus »). This information or evidence must meet the conditions of the cooperation either enabling the authority to open an investigation or enabling the authority to establish an infringement (Article 8 (1) CASO).

21. The COMCO decides on the amounts of reduction at the end of the procedure (Article 14 (1) CASO).

### **3. Voluntary report in relation to an abuse of a dominant position (Article 7 CartA)?**

21a. Pursuant to Article 49a (2) CartA, voluntary reports are not limited to agreements affecting competition, but may also be submitted in relation to any other restraint of competition, such as abuses of dominant positions pursuant to Article 7 CartA. Article 8 CASO stipulates that immunity from a sanction may only be granted in cases arising under Article 5 (3) and (4) CartA. However, Article 12 (1) CASO also applies to cases arising under Article 7 CartA. It must therefore be assumed that a reduction of a sanction is possible in cases of abuse of dominance, but only in the form of a partial, as opposed to a full reduction. Accordingly, all of the statements in this explanatory note, as well as in the forms which concern agreements under Article 5 CartA, equally apply in substance to the filing of a voluntary report in relation to the case of an abuse of a dominant position under Article 7 CartA. A reduction of a sanction requires reporting undertakings to submit to the authorities information that enables them to open proceedings pursuant to Article 27 CartA (cooperation to open proceedings), or submit evidence that enables them to establish an abuse of a dominant position pursuant to Article 7 CartA (cooperation to establish an infringement). The requirements to obtain a reduction of a sanction in cases concerning Article 7 CartA are equally demanding, considering the relevant evidence can often only be found at the premises of the leniency applicant. The reporting undertaking must be able to provide sufficient data concerning its market position, the type of abuse (behavior and grounds for the behavior) and the absence of legitimate business reasons.

## **D. Procedure**

### **1. Marker and voluntary report**

22. Since only the first undertaking taking advantage of the leniency program is eligible for complete immunity from a sanction, it has to be ensured that the chronological order of the submissions of the voluntary reports can be unequivocally determined, and that undertakings who intend to submit voluntary reports are able to secure their position in the chronological order of submissions. The marker system serves these purposes.

23. A voluntary report (as well as a marker) can only be submitted by a single undertaking (or its representative). It cannot be submitted commonly by two or more undertakings (or their representatives) (Article 8 (1) CASO).

#### **a. Marker**

24. The marker is the declaration that an undertaking will submit a voluntary report. The marker therefore precedes the voluntary report and its content is, therefore, less significant than that of the voluntary report.

25. The timestamp a marker is granted determines the rank of a voluntary report, so long as it is supplemented by a voluntary report that satisfies the requirements to grant complete or partial immunity from the sanction. If the marker is not supplemented by a voluntary report, it is disregarded. The rank it occupied becomes available again and will be filled by the undertaking that registered the subsequent marker.

26. The marker must include at least the following (cf. the form « Marker for a voluntary report » below in Part II):

- The name and the address of the undertaking submitting the voluntary report and a contact person;
- a statement that the undertaking coordinated its behavior with that of other undertakings with the object and/or effect to restrain competition in any way;
- a statement that the undertaking intends to submit a voluntary report;
- indications about the restriction of competition that could be identified with reasonable effort at the moment it applied for the marker: the type and duration of the restriction, the involved undertakings, the goods/services and territories concerned; and
- the date and signature.

27. In order to determine the precise time of receipt, it is preferable to send the completed form “Marker for a voluntary report” (cf. in Part II below) by email to the following address: **leniency@comco.admin.ch**. An acknowledgement of receipt of the email will be sent automatically.

28. To ensure a rapid response from the Secretariat, it is recommended to report the application for the marker by phone. Contact persons are the Director of the Secretariat (+41 58 462 20 40) or his deputy.

29. It is also possible to apply for a marker by fax (Nr. 058 462 20 53), to deliver it in person (or to have it delivered by a representative), to send it by mail or, in agreement with the Secretariat to make an oral statement on record at its premises (Monbijoustrasse 43, 3003 Bern). Note that if the submission is delivered by post, it may not be possible under certain circumstances to precisely time-stamp the report upon receipt and to establish the order of precedence/ranking. Moreover, it must be noted that these options are slower than a notification by email or fax, particularly during a search. It is not possible to apply for a marker by phone.

30. If an undertaking chooses to apply for a marker while a search is in progress, it may use the form it received at the commencement of the search. It is not possible to apply for a marker orally with the Secretariat’s search team on-site. It is, however, technically possible to apply orally for a marker by making an oral statement on record, although this is allowed exclusively in agreement with the head of operations, who then specifies the modalities and ensures the equal treatment of all the undertakings wishing to apply for a marker by making an oral statement on record. The record of an oral marker will be made by the interrogation team of the Secretariat in the order the operational center has (orally) determined. It must however be stressed that the undertaking bears the risk that another undertaking may submit a written application for a marker, via email or fax, between the time it orally announces its intention to apply for a marker and the subsequent written application.

31. From the moment of its application for the marker, the undertaking must cooperate if it does not want to lose the marker. This means in particular that the persons in charge are ready to provide information, either voluntarily or in the context of an information request (Ar-

ticle 40 CartA) and interviews (Article 42 (1) CartA). They must also actively support the competition authority in search for and seizing of evidence.

32. The Secretariat confirms the receipt of an application for the marker immediately indicating the date and time.

33. The Secretariat sets a deadline for the undertaking to submit its voluntary report.

**b. Voluntary report**

34. The application for a marker is not a prerequisite for the submission of a voluntary report. It is possible to submit a voluntary report directly without prior application for a marker. In this case, the time of the application for a marker coincides with the receipt of the voluntary report, i.e. this time will determine the voluntary report's rank.

35. The contact persons for the submission of a voluntary report are the Director of the Secretariat (+41 58 462 20 40) or his deputy.

36. The voluntary report may be submitted in writing, in person or it may be delivered by a messenger or by post. Note that if the submission is delivered by post, it may not be possible under certain circumstances to precisely time-stamp the report upon receipt and to establish the order of precedence/ranking. (cf. also para. 29 above).

37. The voluntary report can be placed on record orally at the Secretariat's premises (*oral voluntary report*, Article 9 (1) CASO). In this case, the reporting undertaking must provide the necessary individuals for the recording. The reporting undertaking may use the authority's IT equipment for the recording if required.

38. The Secretariat shall acknowledge receipt of the voluntary report, indicating the date and time of the receipt. The Secretariat may renounce to hand over the acknowledgement of receipt if an oral voluntary report is submitted, and allow the reporting undertaking to consult on the spot ("procedure without correspondence"). This consultation has to be certified by signature on the acknowledgement of receipt.

39. The Secretariat examines whether the voluntary report fulfills the conditions for complete immunity from the sanction in accordance with Article 8 (1) CASO or whether additional information or evidence must be submitted. In the latter case, it sets a deadline for the undertaking to complete its voluntary report.

40. If the Secretariat finds that the voluntary report is incomplete, it informs the undertaking, in agreement with a member of the presiding body, of any additional information it shall submit (Article 9 (3)(b) CASO) and sets a final deadline for this purpose. If the voluntary report is not subsequently completed, the undertaking loses its position in the ranking. It shall then be determined whether another undertaking is in a position to file the first complete voluntary report.

41. As soon as the Secretariat determines that the voluntary report fulfills the requirements for complete immunity from the sanction, it informs the undertaking, in agreement with a member of the presiding body (Article 9 (3)(a) CASO). The notification of immunity is conditional, i.e. complete immunity will only be granted if the undertaking continues to fulfill the requirements of Article 8 (2) CartA in the subsequent course of the proceedings, in particular the obligation to cooperate. The COMCO will decide at the end of the procedure whether to grant complete immunity from a sanction (Article 11 (1) CASO). The COMCO may only depart from a communication by the Secretariat pursuant to Article 9 (3)(a) if it subsequently

receives information that precludes them from granting of immunity from a sanction (Article 11 (2) CASO).

42. In procedures without correspondence (cf. para. 38 above), letters pursuant to Article 9 (3)(a) and (b) CASO may be consulted in the premises of the competition authorities.

43. The undertakings may file the voluntary report by submitting anonymous information (Article 9 (2) CASO), e.g., by using an attorney as an intermediary. Thereupon, the Secretariat, informs the undertaking in a letter whether the conditions for immunity from a sanction are met and of the deadline within which it must reveal its identity.

44. The competition authority shall consider any subsequently received voluntary reports only after a decision concerning the first voluntary reports has been reached (Article 10 in relation with Article 9 (3) CASO). If the grant of partial immunity from a sanction was communicated to an undertaking on the grounds of an earlier voluntary report (cf. para 41), the undertakings subsequently filing voluntary reports will, as a rule, be immediately informed. The reduction amount of the sanction for these subsequent voluntary reports, depends on the importance of their contribution to the success of the proceedings (Article 12 (2) CASO), i.e., in particular the timing, the quality and the quantity of the information and evidence submitted.

45. All undertakings filing voluntary reports have a duty to cooperate during the entire procedure that goes beyond the usual obligation to cooperate in administrative procedures (Article 8 (2)(b) and (c) CASO). This duty embraces, in particular, the willingness to make statements during interviews pursuant to Article 42 (1) CartA, to respond to requests for information, as well as to submit, voluntarily or upon request of the authorities, all evidence (including international evidence) which is accessible to the undertaking. If its cooperation is insufficient, the undertaking loses the guaranteed immunity from the sanction in accordance with Article 9 (3)(a) CASO.

46. If an undertaking has filed a voluntary report with other competition authorities, the Secretariat requests a waiver letter, i.e. the confidentiality of its voluntary report is waived by the undertaking as far as other competition authorities are concerned. The Secretariat may exchange information with them regarding the voluntary report and coordinate investigation measures.

## **2. Confidentiality and access to the file**

47. The Secretariat shall treat the identity of the reporting undertaking confidentially. Confidentiality is only lifted in the context of the specifically regulated access to the file (cf. para. 49 below) and when an undertaking waives its right to confidentiality, for example by publicly announcing that it submitted a voluntary report. The competition authorities are not bound by the rules on official secrecy regarding the fact that one or several voluntary reports have been submitted during an investigation.

48. The authority maintains a separate file for the information and evidence submitted with the voluntary report which is independent from the other case files. Access to the physical and electronic documents of the file is limited to the members of the case team in the Secretariat.

49. As a rule, access to the « voluntary report » file is only granted when the Secretariat sends its statement of objections to the parties for comment (Article 30 (2) CartA). An exception may be made, and access to the file may be granted earlier, particularly if an amicable settlement is being negotiated (Article 29 CartA). It cannot be excluded (for instance, in the presence of a small number of parties to a procedure and multiple voluntary reports) that

conclusions might be drawn as to the identity of the reporting undertakings before the Secretariat submits its statement of objections pursuant to Article 30 (2) CartA.

50. In the event of access to the voluntary report file, trade secrets must be protected (Article 25 CartA; cf. also “Aide-mémoire: secrets d'affaires”<sup>4</sup>).

51. When granting access to the file, the Secretariat must balance the competing interests of the parties' right to effective defense, and the public and private interests in preserving the leniency program. To this end, the Secretariat observes the following principles and distinguishes between the voluntary report and its annexes:

- The access to the file of the voluntary report is exclusively allowed at the premises of the Secretariat, independently of the form (written or oral) of the voluntary report. Any form of reproduction (scans, photos, etc.) is prohibited. This applies as a general rule to the reporting undertaking as well as to the other parties of the proceedings. However, it is permitted to take written notes or to use a dictation recording device during access to the file.
- Access to the annexes of the voluntary report (i.e., preexisting evidence) depends on their volume. Access usually takes place at the premises of the competition authority; however if the volume is such that an onsite consultation is not reasonable for the parties and if this prevents them from exercising their right to effective defense, copies shall be provided to the parties to the investigation (usually in electronic form), with restrictions as to the extent of their use. This means the copies provided to the parties may be exclusively used for the preparation of defense in the ongoing administrative cartel procedure before the Swiss competition authorities (but not in civil, criminal and foreign procedures).

52. The parties to the investigation shall be informed of the modalities determining access to the file in each procedure. All parties must confirm that these modalities were explained to them and that they commit to respect them (“confirmation of explanation and statement of commitment”).

53. If desired the undertaking may indicate that its report was filed voluntarily and that the Secretariat undertakes to maintain its secrecy pursuant to Article 7 (1)(h) FoIA<sup>5</sup> and that the voluntary report need not be made accessible on the grounds of the FoIA.

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<sup>4</sup> The note may be found under : <[www.comco.admin.ch](http://www.comco.admin.ch)> Documentation > Communications/Notes explicatives > Aide-mémoire: secrets d'affaires (German, French or Italian versions only).

<sup>5</sup> Federal Act of 17.12.2004 on Freedom of Information in the Administration (Freedom of Information Act, FoIA ; RS 152.3).



## **Part II Forms**

Below are two forms:

- Form A may be used to apply for a marker.
- Form B may be used for a voluntary report (Article 9, respectively 13 CASO).

## Form A – Marker for voluntary reports

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To:	Director of the Secretariat of the Competition Commission Monbijoustrasse 43, 3003 Bern
Email:	<b>leniency@comco.admin.ch</b>
Fax:	+41 58 462 20 53
Number of pages:	2

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To the Director of the COMCO Secretariat,

Our undertaking,

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hereby declares its intention to file a voluntary report pursuant to Article 49 (2) CartA in relation to Article 8 ff. CASO.

Our undertaking:

- reports its participation in an alleged restraint of competition within the meaning of Article 5 (3) or (4) CartA (Article 8 (1) CASO). Discloses to what extent it participates or has participated with other undertakings in agreements or concerted practices which have a restraint of competition as their object or effect (Article 4 (1) CartA). In particular, it will clarify the purpose of the behavior and its effects on the market;
- shall disclose information enabling the competition authority to open proceedings under cartel law pursuant to Article 27 CartA (Article 8 (1)(a) CASO) or submit evidence enabling the competition authority to establish an infringement of competition in accordance with Article 5 (3) or (4) CartA (Article 8 (1)(b) CASO);
- voluntarily submits to the competition authority all available information and evidence concerning the alleged infringement of competition that lies within its sphere of influence (Article 8 (2)(b) CASO). This means *inter alia* that all the directly available evidence shall be submitted immediately to the competition authority and that the undertaking is instantly ready to disclose information concerning the alleged infringement of competition in an interview pursuant to Article 42 (1) CartA;
- shall cooperate continuously, fully and without delay, with the competition authority throughout the procedure (Article 8 (2)(c) CASO). This means *inter alia* that during a potential search of its premises, the undertaking shall actively assist the competition authority in the search for and seizing of evidence;
- ceases immediately its participation in the alleged infringement of competition (Article 8 (2)(d) CASO).

In order to apply for a marker, the undertaking must complete all fields on the following page.

*Information on the undertaking:*

Company name and address: .....

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Person of contact, attorney:.....

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*Information on the alleged infringement of competition:*

Goods/services concerned.....

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Territories concerned: .....

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Type of the alleged infringement (short description):.....

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Effects of the alleged infringement:.....

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Duration of the alleged infringement:.....

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Participating undertakings:.....

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Natural persons involved:.....

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Place and date:.....

Representative of the undertaking:.....

## **Form B – Voluntary report**

### **1. Information on the reporting undertaking**

*(Cf. N 43 above concerning the possibility of a voluntary report preserving anonymity)*

- 1.1. Company name
- 1.2. Legal form
- 1.3. Address
- 1.4. Place of residence/Headquarters
- 1.5. Contact person (name, position, phone number/direct line, email)
- 1.6. Phone number
- 1.7. Fax number
- 1.8. If available: Attorney (name, address, phone number)

### **2. Alleged infringement of competition:**

- 2.1. Describe in what way you coordinated your behavior with that of other undertakings (e.g. agreement).
- 2.2. Describe the precise content or object of the concerted practice or agreement (e.g. agreement to fix prices, to allocate markets geographically, to limit quantities, resale price maintenance, territorial foreclosure [Cf. Article 5 (3) and (4) CartA]).

### **3. Undertakings participating in the alleged infringement of competition:**

- 3.1. Indicate which other undertakings participate in the alleged agreement (in particular company name, legal form, address, headquarters).
- 3.2. Name the natural persons acting on behalf of the undertaking listed above as well as any other potential person who may be contacted by the authorities (in particular name, position in the undertaking).

### **4. Description of the markets concerned, respectively the relevant markets**

- 4.1. What goods/services does the agreement embrace?
- 4.2. What delimited territorial space does the agreement embrace?
- 4.3. For how long was the alleged infringement of competition implemented, respectively since when has the alleged infringement been implemented?

### **5. Objects and effects of the restraint of competition**

- 5.1. Did your behavior on the market have for object or effect to restrain competition? (yes/no)
- 5.2. Indicate the foreseeable object and effects that your behavior has or has had.
- 5.3. Describe the implementation of the behavior within your own undertaking.

- 5.4. Describe the actual effects or potential possible effects that your behavior has, has had or may have on the market or on competition.

## **6. Evidence**

- 6.1. Indicate all the significant evidence you can submit (especially, contracts, emails, notes, other documents or handwritten pieces, names of witnesses, data and other indications relative to meetings, phone conversations, other contacts, etc.). Attach this evidence to the voluntary report.
- 6.2. Indicate other important evidence that you are unable to submit yourself and indicate who would be able to, respectively where this evidence may be found.

## **7. Other voluntary reports and procedures**

- 7.1. Indicate whether and what foreign competition authorities have received voluntary reports concerning comparable facts or whether the submission of such voluntary reports is intended. In addition, indicate whether you have already been the addressee of a corresponding competition law procedure abroad (even if you did not submit a voluntary report). You may not refuse to name the competition authority unless you can attest that the foreign authority has explicitly forbidden you to disclose such information to the Secretariat in regards to the ongoing proceeding.
- 7.2. Indicate other Swiss authorities (in particular regulatory authorities and criminal prosecution authorities) to which the present behavior has been reported or is intended to be reported. In addition, indicate (even if you have not submitted a voluntary report) whether you are already the addressee of another investigation by other Swiss authorities concerning the same facts.

## **8. Other notes and comments**

Do not hesitate to add further comments or information that could be relevant in connection with the present procedure.

**Date** and **sign** your voluntary report and add a **clear indication regarding the confidential nature of the document**. If you wish, you may point out that you are filing this report voluntarily, and request for a guarantee of secrecy pursuant to Article 7 (1)(h) FOIA.