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Telecommunication Newsletter Switzerland

Competition Commission to Appeal the Decision of the Federal Administrative Court, which Quashed the Decision of the Competition Commission Imposing a Fine upon Swisscom in the Amount of CHF 333 Million for Abusive Pricing of Mobile Termination Fees

Facts

According to the press release of the Competition Commission, the Competition Commission has announced to appeal the decision of the Federal Administrative Court. According to the press release, the Competition Commission is of the view that in regulated markets the Cartel Act must be applied parallel to the sector's specific regulations of the Telecommunication Act. In an earlier decision, the Federal Supreme Court has confirmed the parallel application of sector specific regulations and the Cartel Act.

The Competition Commission is further of the opinion that the imposition of inadequate terms and conditions is already contained in the definition of dominant position and, therefore, does not need be separately demonstrated.

March 24, 2010

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