



**swisscom**

## **Statement on the ComCo investigation**

Swisscom contract of 2008 for networking Swiss Post locations

Swisscom is surprised that the Competition Commission has launched an investigation. The telecoms market is competitive, and Swisscom's rivals can win tenders for major projects. We reject the claim that Swisscom is illegally restricting competition. Swisscom is confident that the Competition Commission (ComCo) will reach the same conclusion in the course of its investigation.

The background to the case:

Swiss Post issued a call for tenders to network its offices and awarded Swisscom the corresponding contract back in 2008. In the more than four years since May 2009, we have repeatedly made statements in response to questions by ComCo. However, preliminary clarification wasn't undertaken until July 2012, when ComCo sent Swisscom another list of questions.

A complaint submitted by Sunrise in 2009 claimed we had abused our dominant position on the market in the aforementioned case. In our view, Sunrise could very well have made Swiss Post a competitive offer based on the initial services we had provided.

### **Clarification**

Swisscom asserts in particular that Sunrise could have made Swiss Post an offer under which Sunrise would have conducted 65% of the work involved (rather than just 20%) and would have had to procure initial services relating to only 35% (rather than 80%) of the total from Swisscom. This would have enabled Sunrise to make Swiss Post an offer that would have covered its expenses.

Swisscom asserts furthermore that Sunrise failed to reveal its requirements in a timely manner. As a result, Swisscom Wholesale was not in a position to make Sunrise an optimal offer. This clearly led to Sunrise being unable to make Swiss Post a competitive offer. Overall, Swisscom has come to the conclusion that Sunrise's claims are baseless.

Berne, 19 July 2013