[CH] Review of Telecommunications Act Under Discussion

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The Swiss Bundesrat (Council of Ministers) has decided to open for discussion proposals for a partial revision of the Fernmeldegesetz (Telecommunications Act - FMG) and the Fernmeldedienstеverordnung (Teleservices DecreeFDV). The discussion phase forms part of the legislative process in Switzerland.

Unbundling of the local loop is to be made compulsory by decree. The Bundesrat considers the legal basis set out in the FMG to be sufficient to regulate leased lines and all three types of unbundling by means of official decrees.

The proposal for a revised FMG sets out a number of firmer regulatory instruments. Under the present law, if a company holds a dominant market position, the ComCom (Swiss Federal Communications Commission) can only take action in certain markets subject to an application being lodged by a teleservice provider in connection with a standard bundling procedure. This process has proved to be slow, lengthy and ineffective at promoting fair competition. ComCom will therefore now be able, on a regular basis, to specify markets in which regulation would be justified. It will assess whether competition in these markets is fair or whether they are dominated by certain teleservice providers. Companies holding a dominant position must submit their standard offers to ComCom for approval. These offers form the basis of agreements between dominant companies and other providers in the field of access and bundling. The Bundesrat hopes that this new provision, which has proved successful in other European countries, will improve legal certainty and speed up the whole process.

Other amendments relate to the adaptation of Swiss telecommunications law to that of the European Union and greater consideration for data protection and consumer issues.

The discussion phase will last until 15 October 2002.

Projet concernant la révision partielle de la loi sur les télécommunications (LTC)

Proposal for a partial revision of the Telecommunications Act (FMG)

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Projet concernant la révision partielle de l'ordonnance sur les services de télécommunication (OST)

Proposal for a partial revision of the Teleservices Decree (FDV)

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