[CH] Communications Commission Issues Partial Ruling on Unbundling

IRIS 2004-3:1/9

Oliver Sidler
Medialex

In a decision published on 19 February 2004, the Eidgenössische Kommunikationskommission (Federal Communications Commission - ComCom) ruled that under current legislation, a service provider with a dominant market position may be obliged to unbundle the last mile. ComCom therefore agreed with the Bundesrat (Council of Ministers), which considered the legal basis for the introduction of compulsory unbundling to be sufficient and, last February, triggered the unbundling process by opening up the last mile to competition with immediate effect. To this end, the Bundesrat amended the Fernmeldedienstverordnung (Telecommunications Services Decree - FDV), making both types of unbundling (Shared Line Access and Full Access) subject to interconnection requirements. ComCom's decision followed an interconnection-related case between TDC Switzerland ("Sunrise") and Swisscom concerning the unbundling of the local loop. The dispute initially only concerned whether there was a legal basis for such unbundling. ComCom decided that there was. Swisscom is expected to challenge the decision before the Bundesgericht (Federal Appeal Court), because it disputes the current legal basis for unbundling and considers local loop unbundling to be an intrusion on its right of ownership.

Order of the Federal Communications Commission, 19 February 2004 in the case TDC Switzerland AG v. Swisscom Fixnet AG concerning interconnection / Application for shared line access and full access to the local loop

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026