



Competition, Consumption & Prices, Wirtschaft & Gesellschaft, Company Law

# **Targeted correction** instead of cosmetics in antitrust law

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## At a glance

- The business community welcomes the institutional reform of antitrust law, but the proposed measures are insufficient.
- The Federal Council acknowledges the weaknesses of the competition authorities, but falls far short of what is necessary with its reform proposals.
- Without a clear separation of investigation and decision, strengthened procedural rights and a specialized appeals body, the bill will miss its target.

In June, the Federal Council opened the consultation on the reform of the competition authorities. *economiesuisse* welcomes the fact that the existing problems have been recognized, but considers the proposed measures to be insufficient.

The institutional structure of cartel proceedings has remained largely unchanged since 1995, although COMCO's powers of intervention have been massively expanded since then. Today, the system combines investigation, prosecution and decision in one authority - a model that does not meet the requirements of the rule of law and leads to long, resource-intensive proceedings.

In light of this, the Federal Council's proposal is far too timid. A genuine reform that guarantees a future-proof system must clearly go further and ensure the following points:

- Clear separation of investigation and decision.
- Strengthening of the appeals body.
- Strengthening of procedural rights.

Without these fundamental corrections, the proposal will fail to achieve its objective.

*economiesuisse* is therefore calling for a fundamentally revised bill that meets the requirements of the rule of law, increases efficiency and ensures the practicability of antitrust law for the economy.



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