

Competition, Consumption & Prices, Regulation

# Antitrust law: Federal Council ***persists with cosmetic corrections***

21.05.2026

## At a glance

- The Federal Council adopted the dispatch on the reform of the competition authorities yesterday - ignoring the broad criticism from the consultation process and leaving the key structural shortcomings of the antitrust procedure largely uncorrected.
- Parliament is now called upon to refer the bill back to the Federal Council for revision.


The Federal Council adopted the dispatch on the reform of the competition authorities yesterday. In it, it ignores the numerous critical comments from the consultation process and instead speaks of "broad approval". However, a look at the comments paints a much more nuanced picture: central points of criticism from the business community in particular were largely ignored.</p></div>
<div data-bbox="162 233 873 284" data-label="Section-Header">
<h2>Broad criticism during the consultation process is ignored</h2>
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<div data-bbox="162 295 900 421" data-label="Text">
<p>Of the 58 comments received, 16 participants explicitly rejected the proposal - including economiesuisse, SwissHoldings, the Swiss Trade Association, Swissmem, Bauenschweiz, the Swiss Federation of Master Builders, Centre Patronal, FER, Promarca and Swico. The Federal Commission for Consumer Affairs also expressed its criticism. Against this backdrop, it seems at least short-sighted to speak of "broad approval".</p>
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<div data-bbox="162 450 787 476" data-label="Section-Header">
<h2>Accelerating procedures in the wrong place</h2>
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<div data-bbox="162 487 877 613" data-label="Text">
<p>It is particularly offensive that the Federal Council is rejecting central constitutional reform concerns with reference to an alleged acceleration of proceedings. For example, it continues to reject an institutional separation between investigation and decision as well as the introduction of an independent hearing officer. These proposals were aimed precisely at strengthening procedural fairness and institutional independence.</p>
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<div data-bbox="162 632 909 821" data-label="Text">
<p>The real bottleneck in antitrust proceedings is not at COMCO, but at the level of the appeal instance: proceedings before the Federal Administrative Court take an average of almost five years - and therefore in many cases longer than the investigation itself. A considerable part of the total duration of the proceedings is accounted for by the time between the conclusion of the exchange of documents and the ruling. Nevertheless, the Federal Council has decided not to set up a specialized competition court or at least a separate competition chamber at the Federal Administrative Court. The actual acceleration potential thus remains unused.</p>
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<p><img alt="economiesuisse logo" data-bbox="163 952 195 970"/> economiesuisse</p>
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## Institutional problems remain

Other key reform concerns also remain unconsidered: Neither will COMCO be provided with its own Commission secretaries, nor will there be a consistent unbundling of the Secretariat and the decision-making body. In addition, the Federal Council is sticking to reducing the size of COMCO - although this is likely to further increase the Commission's dependence on the Secretariat.</p></div>


## Parliament must force the Federal Council to make improvements

The bill will not be able to solve the structural problems of cartel proceedings in their current form. It is imperative that the rule of law in cartel proceedings is improved. Parliament should demand that the Federal Council substantially address the outstanding institutional and rule of law issues instead of being content with selective or purely cosmetic adjustments.</p></div>

A portrait of Maximilian Schöller, a man with short dark hair and a beard, wearing a dark suit jacket over a light-colored shirt and a patterned tie.

**Maximilian Schöller**

Project Manager Competition & Regulatory Affairs

A portrait of Erich Herzog, a man with a shaved head and a beard, wearing a dark suit jacket over a light-colored shirt and a patterned tie.


**Erich Herzog**

Head of Department Competition & Regulatory Affairs, General Counsel, Member of the Extended Executive Board

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