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Telecommunications Newsletter Switzerland

Swiss Federal Court to Grant Appeal by Swisscom, TDC and MCI WorldCom

In November 2003, following a request by TDC and MCI WorldCom, the Swiss Federal Communications Commission (ComCom) held in a decision that Swisscom (the incumbent) has overcharged the plaintiffs for some of its interconnection services. Hence, the ComCom has retroactively - for the period starting in 2000 - reduced the interconnection prices about 25% - 35%. The parties lodged an appeal against that decision by the ComCom with the Swiss Federal Supreme Court.

Now the Swiss Federal Supreme Court held in its decision, dated October 1, 2004, that the ComCom - when decreeing the price reduction for Swisscom's interconnection services - did not properly follow the rules and proceedings regarding so-called "classified documents" and, furthermore, the ComCom has impinged upon the parties "right to be heard".

The Swiss Federal Court upheld the appeal by Swisscom, TDC and MCI WorldCom and has remanded the case to the ComCom, which shall take into account the considerations of the Swiss Federal Court.

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