



## Telecommunications Newsletter Switzerland

# Full Unbundling Recommended By The Committee on Transportation and Telecommunication

In connection with the pending revision of the Swiss Telecommunications Act which is scheduled for discussion in the Swiss parliament in the fall sessions, the Committee on Transportation and Telecommunications ("CTT") of the Swiss National Council has voted to crack the incumbent's (Swisscom) monopoly on the local loop market.

The CTT followed in principle the earlier proposal made by the Swiss Federal Counsel, which proposed to open the last mile completely. The Swiss Federal Counsel had in particular requested a comprehensive access to the last mile, in the forms of full unbundling, fast bit stream access, interconnection and leased lines. The CTT explicitly included the resale of the subscriber line which enables one invoicing as well as access to the incumbent operators cable ducts.

For the so-called bit stream access the CTT proposed a more detailed regulation in the new law. Following these regulations a service provider requesting bit stream access must prove an adequate investment in to its own infrastructure. With this regulation the CTT intends to reduce the risk that service providers benefit from the investments made by others and to create an incentive to invest in infrastructure.

The proposal by the CTT also requires the Communication Commission to render a decision within a period of seven months from the date of the request.

The CTT has also tightened some regulations regarding consumer protection, in particular regarding Value Added Services. The CTT specified unanimously that fees for Value Added Services can only be raised after an explicit confirmation by the customers.

Thouvenin rechtsanwälte played an active role in assisting their clients in convincing the CTT to adopt these important changes.

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