

## Competition - Switzerland

### Competition Commission Terminates Investigation into Armasuisse

July 31 2008

On August 7 2007 the secretariat of the Competition Commission decided to terminate its preliminary investigation into Armasuisse's purchase of 20 training and light-transport helicopters. Armasuisse is the Swiss federal body for the procurement of technologically complex systems and equipment, security-related technologies and quality management. The Swiss Federal Department of Defence, Civil Protection and Sport funnels the procurement of all equipment and buildings required by the Swiss army through Armasuisse.

In early 2006, following a bidding process, Armasuisse purchased 20 helicopters from Eurocopter at a total price of Sfr310 million. The Italian helicopter manufacturer Agusta SpA complained to the commission that in awarding this contract to Eurocopter and not Agusta, Armasuisse had discriminated against it and that this was an abuse of a dominant position.

The commission confirmed that Swiss competition law applies to publicly owned entities. This was the first case since the recent amendments to Swiss competition law involving allegations against a public entity. The commission further determined that the geographical extent of the market for the purchase of the helicopters in question was worldwide. It therefore concluded that Armasuisse did not have a dominant position in the market. Hence, there existed no indication of abuse in this case.

*For further information on this topic please contact [Silvio Venturi](#) or [Pascal Favre](#) at Tavernier Tschanz by telephone (+41 22 704 3700) or by fax (+41 22 704 3777) or by email ([venturi@taverniertschanz.com](mailto:venturi@taverniertschanz.com) or [favre@taverniertschanz.com](mailto:favre@taverniertschanz.com)).*

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#### Authors

**Silvio Venturi**



**Pascal G Favre**

