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Media Release

regarding judgment B-3186/2024 of 21 September 2026

No breach of competition law by Swisscom's fibre-optic network expansion

The Federal Administrative Court upholds the appeal lodged by Swisscom relating to the expansion of its fibre-optic network. Swisscom does not have a dominant market position on the relevant market defined by the Competition Commission.

At the beginning of 2020, Swisscom announced its new strategy for the expansion of its fibre-optic network. Instead of a point-to-point topology (P2P), it would in future rely on a point-to-multipoint topology (P2MP). Unlike the existing architecture of P2P networks, P2MP networks do not use end-to-end fibre-optic cables between Swisscom's exchange centres and the relevant user units which can be offered individually to other telecommunications service providers. In this regard, the Competition Commission (COMCO) opened an investigation into Swisscom at the end of 2020. At the same time, COMCO issued precautionary measures prohibiting the expansion of Swisscom's fibre-optic network; the Federal Administrative Court (FAC) and the Federal Supreme Court dismissed the respective appeals in 2021 and 2022. In its ruling of 4 December 2023, COMCO imposed obligations on Swisscom regarding the further expansion of its fibre-optic network in the main proceedings, and imposed a sanction of around CHF 18 million.

No dominant market position

The FAC upholds Swisscom's appeal against COMCO's ruling of 4 December 2023 and sets aside the contested ruling. On the one hand, the measures imposed in COMCO's ruling apply to areas where Swisscom has not yet started expanding its fibre-optic network. In these areas, Swisscom cannot offer any fibre-optic-based services and, therefore, cannot hold a dominant market position. On the other hand, the measures ordered relate to areas in which Swisscom has already installed the new P2MP technology. However, Swisscom does not operate in the relevant market, as defined by COMCO, which essentially covers end-to-end fibre-optic cables from the exchange centre to the individual user unit. In absence of a dominant market position on the relevant specific market, COMCO wrongly concluded that Swisscom had infringed competition law. The appeal is therefore well-founded for this reason alone.

This judgment may be appealed to the Federal Supreme Court.

Media contact

Rocco R. Maglio

Spokesperson

+41 58 465 29 86

medien@bvger.admin.ch

About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 395 employees (334 FTE) and its 79 judges (70 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,000 judgments every year.