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Competition Practice Switzerland

November 2016

CMS Switzerland

Local experts, global presence

CMS von Erlach Poncet is a **leading Swiss law firm** with over 150 staff and a strong international focus. Our expertise covers all areas of business law. We offer first-rate legal advice to companies, institutions and private individuals, nationally and internationally.

The firm's successful track record, extending over more than half a century, makes CMS von Erlach Poncet an experienced and reliable advisor whose business relationships with clients and partners alike are based on mutual trust.

The size and structure of our firm enables us to handle complex national and international transactions efficiently. We offer you the services of **expert teams of lawyers, covering all key areas of practice**, and tailored to suit your specific needs.

CMS has around 5,500 staff in more than 60 offices in Europe and around the world. As CMS Switzerland, we offer you **access to a global network of specialists in competition law**. We regularly work hand-in-hand with our competition law colleagues based in other CMS jurisdictions. You benefit from our expert and cost-effective advice on international matters and proceedings, together with direct access to the expertise of CMS colleagues in our global teams.



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Our Competition Practice

Specialist advice across the full range of competition law services

Our specialist competition lawyers offer you expert advice on all aspects of Swiss and European competition law, tailored to the specific needs of your company.

Representation in antitrust proceedings

Our core skills include representing national and international clients before competition authorities and courts of appeal in proceedings regarding anti-competitive agreements and abuse of a dominant market position. We also offer advice and support in connection with dawn raids and leniency applications.

Representation in merger control procedures

We regularly advise and represent our clients in national and international merger control procedures. Through CMS, we offer you direct access to our merger control specialists in other jurisdictions.

Compliance

Our competition team offers you a range of compliance services. We develop and implement internal corporate compliance programmes, conduct antitrust audits and staff training, and draw up industry- and company-specific codes of conduct and e-learning programmes.

Advice on daily business arrangements

We regularly work with a large number of Swiss and international companies to help them assess the antitrust implications of contracts, draft distribution and licensing agreements, and develop and implement complex cooperation agreements with customers, suppliers and competitors. We work closely with our M&A specialists on the antitrust aspects of transactions.

Industry knowledge and economic expertise

With many years of experience in advising on antitrust matters, we offer you extensive knowledge across a wide variety of industry sectors. As competition law inherently combines legal and economic issues, we often work with economists to bring you additional expert perspectives on your business matters.

Market recognition



"The services provided by CMS were tailor-made and focused on our needs."

"The lawyers have a pragmatic and thorough approach, and are easy to deal with."

"Alain Raemy's strength is his knowledge of the field, as well as his clear and quick analysis of where issues might arise."

**Chambers Europe, Competition /
Antitrust, Switzerland, 2016**



"The 'very professional' team at CMS provides 'client-focused advice in a down-to-earth-manner'."

**Legal 500, EU,
Competition, Switzerland, 2016**



WWL describes Patrick Sommer as "a merger control guru", who "stands out as one of the foremost experts in Switzerland."

**Who's Who Legal,
Competition, Switzerland, 2016**

Experience

Antitrust proceedings

- Advising and representing two banks in investigations into **currency trading, reference interest rates and precious metals trading**.
- Representing a Swiss credit card issuer in proceedings regarding **interchange fees** (including representing the interests of the industry in negotiations for an amicable settlement).
- Representing a logistics and freight transport company in an investigation into agreements over **freight cost surcharges**.
- Representing a pharmaceutical company in proceedings concerning the price-fixing of **drugs not covered by health insurance**. Advising at all stages of the process, including appeal by the Competition Commission to the Federal Supreme Court of Switzerland.
- Representing a company in the construction industry regarding price-fixing in relation to **fittings for windows and doors**. Advising at all stages of the process, including appeal by the Competition Commission to the Federal Supreme Court of Switzerland.
- Representing a manufacturer of luxury goods in an investigation into concerted practices involving the selective distribution of **perfumes and cosmetics**.
- Representing a manufacturer of domestic appliances before the Competition Commission in an investigation concerning **e-commerce**.
- Representing a company in the construction industry in a case involving agreements related to the awarding of **construction projects**.

Merger control procedures

- Conducting a multi-jurisdictional merger control analysis for a company from the travel industry for the **global sale of a business unit**.
- Advising and representing a major Swiss industrial company in various **national and cross-border merger control procedures**.
- Representing a Scandinavian media company in a merger control procedure concerning a **joint venture with a Swiss media company**.
- Representing a Swiss retailer in one of the largest **mergers in the Swiss retail market**.
- Advising and representing a major French corporate group in the **sale of its Swiss retail and logistics business** to a leading Swiss retail group.



Experience

Antitrust advice

- Advising various companies in the payment industry in connection with complex **horizontal cooperation projects concerning payment solutions**.
- Advising a public authority on cooperation over the installation and use of a **fibre-optic network**.
- Advising a company in the power industry on issues related to the **distribution of electricity**.

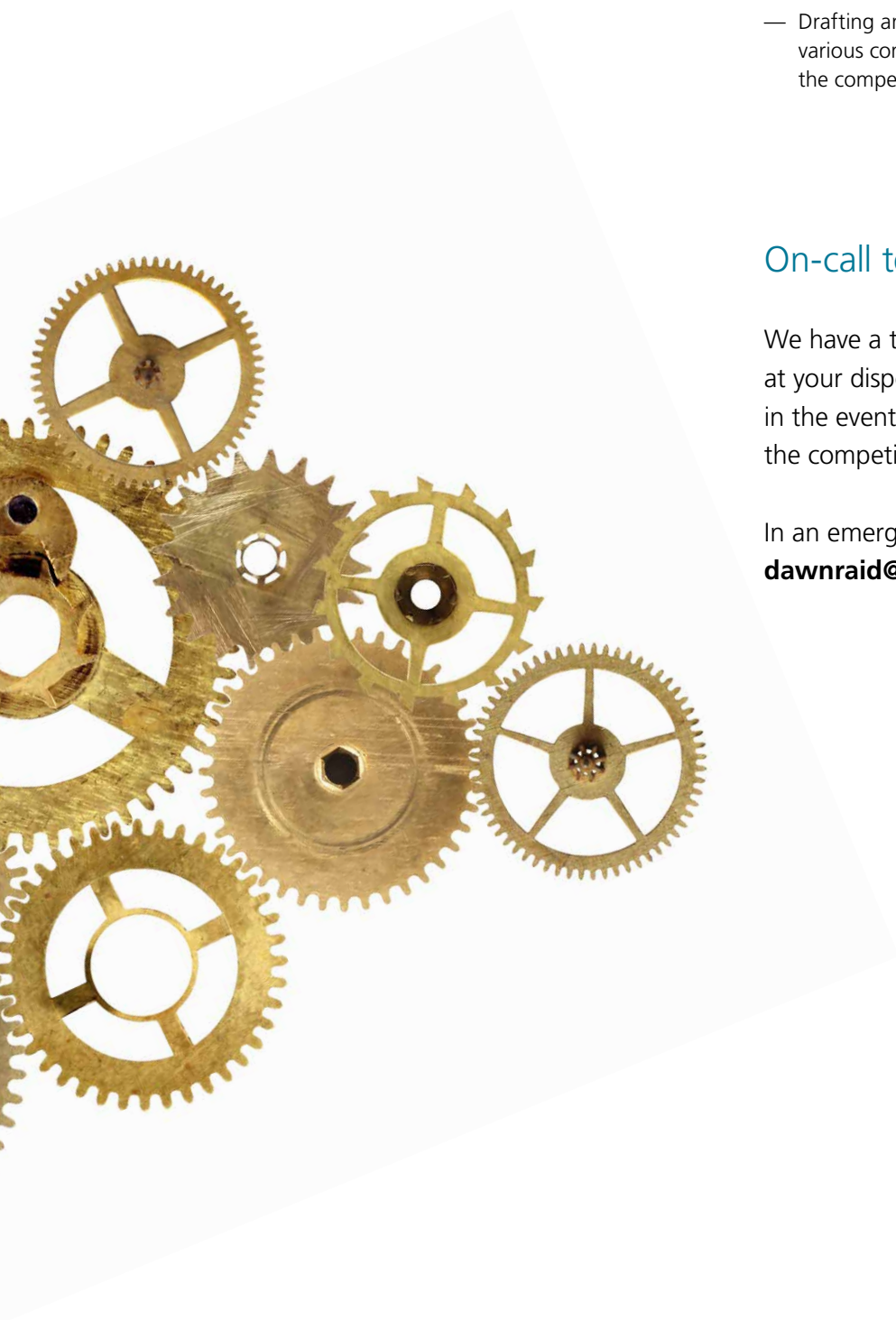
Compliance

- **Developing and implementing comprehensive compliance frameworks** – including guidelines, training courses and e-learning programmes – for an international building materials company, a Swiss energy service group, a leading reinsurance company and a major travel agent.
- Conducting **antitrust audits** for a Swiss corporate group in the construction industry with branches throughout Switzerland.
- Drafting and implementing **codes of conduct** for various companies **in relation to dawn raids** by the competition authorities.

On-call team for dawn raids

We have a trained team of antitrust experts, at your disposal at short notice, to help you in the event of an unannounced dawn raid by the competition authorities.

In an emergency please contact us at
dawnraid@cms-vep.com



CMS Switzerland competition law specialists

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CMS locations:

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