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Expansion of the bilateral accords I

to the new EU member states. In September, voters face yet another watershed in European policy: Following the yes to Schengen/Dublin, they will be asked to vote on inclusion of the ten new EU member states in the agreement on free movement of persons. By René Lenzin

The European Union is growing, and with it the first package of bilateral agreements that have been negotiated between Brussels and Switzerland. Six of the seven agreements have been automatically expanded to cover the enlarged EU: civil aviation, overland transport, technical barriers to trade, agriculture, research and public procurement markets. Conversely, the agreement on free movement of persons has to be renegotiated since its content falls not only within the remit of the EU central directorate but also within the national remit of the new EU states. The Swiss Democrats have successfully launched a referendum against these negotiations, so now Swiss voters will have the last word.

The Federal Council and a clear majority of parliament are in favour of extension of the agreement on free movement of persons, arguing that Switzerland needs access to new emerging markets in eastern and southern Europe, and that the Swiss economy is in turn dependent on the influx of skilled labour from these regions. Finally, supporters argue that extension of the agreement is a logical consequence of the

bilateral path which Switzerland chose to take, following voters' rejection of the European Economic Area in 1992. The EU, they say, would not accept a no since this would mean unequal treatment of their citizens compared to Swiss.

Free movement of persons with provisos

As part of the Bilateral I negotiations, Switzerland and the EU agreed on a seven-year transitional period during which Switzerland can restrict access to the Swiss labour market through quotas. Moreover, up to the end of April 2011 Swiss authorities will check every contract of employment drawn up by companies with citizens of the new EU states. Finally, parliament has tightened the accompanying measures which were approved in conjunction with the agreement on free movement of persons concluded with the 15 "old" EU states and govern internal implementation of the agreement.

The aim of these measures is to prevent cheaper labour from the EU undermining collective employment agreements in Switzerland. The accompanying measures were negotiated by social partners and taken over virtually un-

changed by parliament. Now, collective employment agreements can be declared generally binding for entire sectors if they cover 50 percent of employees in the sector. Up to now, the threshold for generally binding collective agreements was 30 percent of employees and employers in the sector. In addition, the government and cantons are increasing the number of inspectors to identify violations in this area.

For some opponents, these accompanying measures go too far and constitute excessive regulation of the labour market. The majority of opponents, however, are more concerned about the uncontrolled influx of cheap labour and do not believe that the accompanying measures will be able to prevent wage dumping. The Swiss People's Party join the Swiss Democrats in opposing extension of the agreement on free movement of persons, while the other major parties are in favour. Business associations and unions also support the extension.

What happens if the proposal is rejected?

It is not clear how the European Union will react if Switzerland votes against extension. What is certain is the first bilateral accords would be endangered, since they are legally related. This means that the EU could revoke not only the existing agreement on free movement on persons, but also the other six agreements. There is no such legal relation in the case of the Bilateral II agreements. But there are some within the EU who see a political link. Foreign Relations Commissioner Benita Ferrero-Waldner threatened that the EU would not ratify the agreement on Schengen/Dublin if Switzerland rejected extension of the agreement on free movement of persons. While other leading figures in Brussels put this statement into its proper perspective, the fact is that the EU will only ratify Schengen/Dublin after the vote on free movement of persons.

In the best case, therefore, Berne and Brussels will be obliged to cancel or renegotiate "only" the agreement on free movement in the event of a no vote. In the worst case, the entire bilateral package negotiated to date would be consigned to oblivion.

