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Showdown over the bilateral agreements

Should Switzerland abandon the Swiss-EU agreement on the free movement of persons? It should, according to an SVP initiative that will be put to the people on 17 May. The outcome of this vote will decide the future direction of Swiss-EU relations.

EU commissioner Johannes Hahn (left) and Federal Councilor Ignazio Cassis shake hands at the WEF in Davos. After their meeting, Cassis said that the EU was very understanding of the Swiss government's wait-and-see stance.

Photo: Keystone



THEODORA PETER

The aim of the SVP's popular initiative, "For moderate immigration", is for Switzerland to have full control over immigration. This is something that "any independent and economically successful country should take as a given", according to the SVP, which believes that "mass" immigration is pushing Swiss out of the job market, reducing living space and putting a strain on social security.

If the SVP initiative is successful, Switzerland will either have to renegotiate or terminate the Swiss-EU agreement on the free movement of persons. An end to free movement would result in around 450 million EU citizens losing the right to live and work in Switzerland without any formal restrictions. But, in turn, it would also affect Swiss who want to live and work in the EU.

The SVP launched the initiative in 2018 in reaction to what they view as the non-implementation of the "Stop mass immigration" initiative, which saw 50.3 per cent voting in February 2014 to introduce immigration curbs and quotas. Parliament found it hard to agree to anything

other than a watered-down version of the 2014 initiative, because implementing it to the letter and restricting immigration is legally at odds with the bilateral agreements. In the end, parliament merely agreed on an arrangement that obliges employers to advertise vacant positions to job centres and invite Swiss job seekers for interview. The SVP accused parliament of violating the constitution.

Crucial question on Europe

How should Switzerland fundamentally interact with the EU? This was and still is the key question. In both 2000 and 2009, voters decisively put their weight behind the bilateral agreements with the EU. With its latest attack on free movement, the SVP is politically isolated. All the other political parties including industry groups have called it the "termination initiative" and warned that adopting it would jeopardise the bilateral relationship between Switzerland and the EU. This is down to a "guillotine clause" stipulating that if just one agreement is not

extended or is cancelled, all seven bilateral agreements cease to apply.

According to *economiesuisse* CEO Monika Rühl, Brexit has emphatically shown that, from the EU's point of view, participation in the European single market is inextricably linked to freedom of movement. Unfettered access to the EU market is the life blood of the Swiss economy, given that 50 per cent of Swiss exports go to the EU.

Waiting on a framework deal

However, Switzerland is going to have to reboot its relationship with the EU regardless. The draft institutional framework agreement designed to replace the existing bilateral agreements has been on the table for 15 months. Certain aspects of the text remain controversial: wage protection, state subsidies, and the Citizens' Rights Directive (see also "Swiss Review" 5/2019). Since last summer, the Confederation, the cantons, and employer and employee organisations have been working behind closed doors to find appropriate solutions.

The Federal Council now wants to wait until the outcome of the popular vote on 17 May before commenting on these outstanding issues. At the beginning of the year, a government delegation met European Commission President Ursula von der Leyen as well as the EU commissioner responsible for Switzerland, Johannes Hahn, at the World Economic Forum (WEF) in Davos. Hahn was very understanding of Switzerland's wait-and-see stance, said Federal Councillor Ignacio Cassis (FDP) after the meeting. There was no time limit for completing the negotiations as far as the EU was concerned. "Nevertheless, we obviously need to start moving forward after 17 May," he added.

Time is particularly of the essence for the medical technology sector, which could lose unrestricted access to the EU market as early as the end of May. As long as the framework deal remains on hold, the EU will not be prepared to update the agreements on the mutual recognition of conformity assessment. That is the technical situation at least, what it means in practice is serious complications and significant additional costs for day-to-day business. Switzerland will no longer be treated the same as EU member states, meaning that medtech companies will have to get their products certified in the EU. The business federation *economiesuisse* is therefore urging the Federal Council to sign the framework agreement as soon as possible.

Overview of all the votes on 17 May

"For moderate immigration" popular initiative:

Switzerland must take back full control of immigration, according to the SVP's limitation initiative. If the SVP initiative is approved, Switzerland will have to terminate the Swiss-EU Agreement on the free movement of persons. Industry groups and all the other political parties warn of serious consequences (see main text above).

Revision of the Swiss Hunting Act:

The Federal Council and parliament believe that relaxing the legislation that protects wolves and other animals will help to regulate the Swiss wolf population. It will allow wolves to be shot before they cause any harm. Environmental and animal welfare groups are opposed to the revised Hunting Act, saying that it takes things too far (see article on page 6).

Amendment to the Federal Act on Direct Federal Taxation:

The general childcare deduction on taxable income is to be increased from 6,500 to 10,000 francs. The SP are against the reform. In their view, it will only help wealthy families. Parents on low incomes will not benefit, the party say, because low earners hardly pay any federal tax when cantonal and municipal tax are also taken into consideration.

Results of the votes on 9 February

No to the "More affordable homes" popular initiative:

57.1 per cent of the Swiss electorate rejected a proposal by the Swiss tenants' association to promote social housing in Switzerland. Enough is already being done to subsidise housing, according to the Federal Council and the centre-right parties. However, extra money will be injected into the National Operating Fund, from which housing cooperatives can get loans on favourable terms. See "Swiss Review" 6/2019 for more details.

Yes to a ban on discrimination based on sexual orientation:

63.1 per cent of voters approved an amendment to the Swiss Criminal Code and the Swiss Military Criminal Code that extends the anti-racism provision to make homophobic abuse a criminal offence. Some conservative and Christian groups opposed the new law, calling it an attack on free speech. See "Swiss Review" 6/2019 for more details.