

Zeitschrift: Swiss review : the magazine for the Swiss abroad
Herausgeber: Organisation of the Swiss Abroad
Band: 32 (2005)
Heft: 1

Artikel: Session : EU negotiation package in the bag
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DOI: <https://doi.org/10.5169/seals-906602>

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EU negotiation package in the bag

Parliament has approved the second bilateral negotiation package with the European Union and extended free movement of persons to the ten new EU states. The people have the last word.

BY RENÉ LENZIN

THE 2004 WINTER SESSION of parliament was dominated by issues concerning integration policy. The National Council and Council of States debated the accords which the Federal Council had negotiated with the European Union, with both chambers voicing their approval of the agreements. The second bilateral negotiation round (see Box) as well as extension of free movement of persons were given a clear thumbs-up.

As expected, of the nine dossiers within the framework of the Bilateral II negotiations, Switzerland's signing of the Schengen accords, governing the cross-border cooperation of police and judicial authorities, was the most controversial issue. In return for doing away with border controls on individuals, Switzerland will obtain access to the Schengen information system, the EU's wanted-persons computer. Because Switzerland is not a member of the customs union, it will continue to conduct border checks on goods. This will allow it to check up on individuals if there is suspicion of illegal imports of goods.

Supporters believe that Schengen will facilitate travel and benefit the tourist industry. Moreover, it will strengthen Switzerland's efforts against international crime. Opponents take a different view: without border controls, they argue, Switzerland will become unsafe. They believe the country will be entering a dynamic system over

whose further development it will have no say. While it is true that Switzerland will have to accept future amendments to the agreement without being able to influence the decision, it will be allowed to take part in further developments and can cancel the agreement at any time.

Referendum launched

Schengen is linked to the first asylum accord of Dublin. This agreement dictates which state is responsible for handling asylum applications: generally the member state in which the first application was made. Thanks to Eurodac, a database of digital fingerprints, asylum applicants can be more easily identified if they make a second application in another member state.


The Swiss People's Party has launched a referendum against Switzerland's signing of Schengen/Dublin. If the petition manages to find 50,000 signatories, voters will have the last word, possibly as early as June 2005.

Cushioning free movement of persons

At the same time, the Swiss Democrats have announced a referendum against extension of the first bilateral agreement on free movement of persons which was approved by Swiss voters in 2000. As with Bilateral I, Switzerland negotiated a seven-year transition period during which it can limit entry to the Swiss labour market.

Parliament has tightened the so-called flanking measures to the agreement, which were approved ahead of the agreement with the 15 "old" EU states on free movement of persons. The aim of these measures is to prevent cheaper labour from the EU undermining collective employment agreements in Switzerland. Among other things the flanking measures, negotiated by social partners (unions and employers), permit collective employment agreements to be concluded for entire sectors provided 50 percent of employees in the sector are already subject to them. Moreover, the Con-

federation and cantons are increasing the number of inspectors whose job it is to identify cases of misuse. Unions as well as certain commercial groups have threatened to support the referendum against extension of the agreement on free movement of persons unless additional protective steps are taken.

If Switzerland rejects extension of the agreement, Bilateral I will also be affected, since the EU is unlikely to accept unequal treatment by Switzerland of the new member states. And the seven accords in the first bilateral package are legally inter-connected. This would also render membership of the Schengen accord obsolete, since this agreement is based on free movement of persons. 

Translated from German.

Bilateral II

Schengen/Dublin: Abolition of border controls for individuals. Cooperation between police, judicial and asylum authorities.

Taxation of savings income: Switzerland is to introduce a withholding tax on accounts of EU citizens along the lines of Swiss withholding tax. Banking secrecy will remain assured.

Fight against fraud: Collaboration to be strengthened in the fight against smuggling and money laundering

Agriculture: Reduction of customs duty on processed agricultural produce

Environment: Switzerland to join the European Environmental Agency

Statistics: Harmonisation of statistical data collection

Media: Swiss film-makers to gain access to EU promotional programmes

Education: Closer cooperation within EU educational programmes

Pensions: Abolition of dual taxation on retired EU officials resident in Switzerland *RL*