

Media release

Cantons support fresh negotiations with the EU

24. March 2023

A sound and lasting foundation is vital to relations between Switzerland and the European Union (EU). The cantonal governments have unanimously affirmed their position in a new statement on European policy, adopted at their plenary conference on 24 March 2023. It is now time to take the next steps to retain and deepen the existing bilateral agreements. As institutional partners to the federal government, the cantons are willing to support the Federal Council in negotiations.

To the extent the Federal Constitution permits, the cantons wish to play an active part in developing renewed treaty relations with the EU, as Switzerland's direct neighbour and most important economic partner. The option of an institutional agreement has been set aside in favour of a vertical approach, and exploratory discussions have been conducted on this basis.

The Federal Council must now decide whether or not the conditions for a negotiating mandate are met. The cantonal governments firmly believe that the Federal Council will resolutely uphold the country's interests, and that negotiations will be able to find compromises on the outstanding issues. The cantons are willing to support the Federal Council going forward, responding to further steps after careful consideration.

New position statement

As initial in-depth analysis of the exploratory discussions shows, the questions that were raised four years ago in connection with the draft institutional agreement remain. These are the adoption of EU law, dispute settlement, supervision of the application of the agreements, and state aid. The new position statement on European policy therefore ties in with the cantonal governments' earlier statement of 29 March 2019.

In the absence of an alternative that is acceptable to the EU, the dynamic adoption of EU law is unavoidable in the cantons' view. They are willing in principle to agree in negotiations to this adoption of law, providing it is not automatic, but instead follows domestic approval procedures, i.e. subject to the consent of the Federal Council, the Federal Parliament and the people. The dynamic adoption of EU law must be limited to sectoral market access agreements,

The cantonal governments also essentially support a contractually determined mechanism to settle disputes in connection with agreements with the EU. Where such disputes concern the interpretation and application of EU law adopted by Switzerland, the cantonal governments can accept a solution in which the Court of Justice of the European Union is tasked with ensuring the homogenous interpretation of the EU legislation in question.

The cantonal governments continue to reject supranational supervision of the application the agreements with the EU. The two contracting parties are responsible for the correct application and implementation of the agreements on their own territories. However, where certain technical issues are concerned the cantonal governments are open to the possibility of transferring specific supervision and decision-making powers to a special institution.

Finally, the cantons firmly believe that appropriate and targeted solutions that also serve the interests of Switzerland can be found to ensure non-discriminatory market access. EU rules on state aid may be adopted only in those areas that are the subject of an agreement that guarantees market access. An integral and horizontal adoption of state aid rules across all areas is out of question. With regard to supervision, the cantonal governments continue to support establishing an independent Swiss procedure which is both pragmatic and acceptable to the EU as equivalent, in addition to being compliant with Switzerland's constitutional framework.

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- Position statement on European policy of 24 March 2023