

The role of the Cantons in Switzerland's External policy



Visit to Switzerland of EU-Parlement's AFCO Delegation
Bern, 17th September 2018

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01

The Conference of Cantonal Governments (CCG)

The CCG - Key aspects

- Established in 1993
- Agreement between the 26 cantonal governments
- Negotiations on the accession to the European Economic Area (EEA) as a trigger (refused by the people in 1992)
- Objectives:
 - Promotion of cooperation and coordination among the Cantons in their areas of responsibility and information of the cantons in federal affairs with cantonal relevance
 - Opinion-shaping among the cantonal governments
 - Safeguarding the interests of the Cantons at federal level

Competences of the CCG

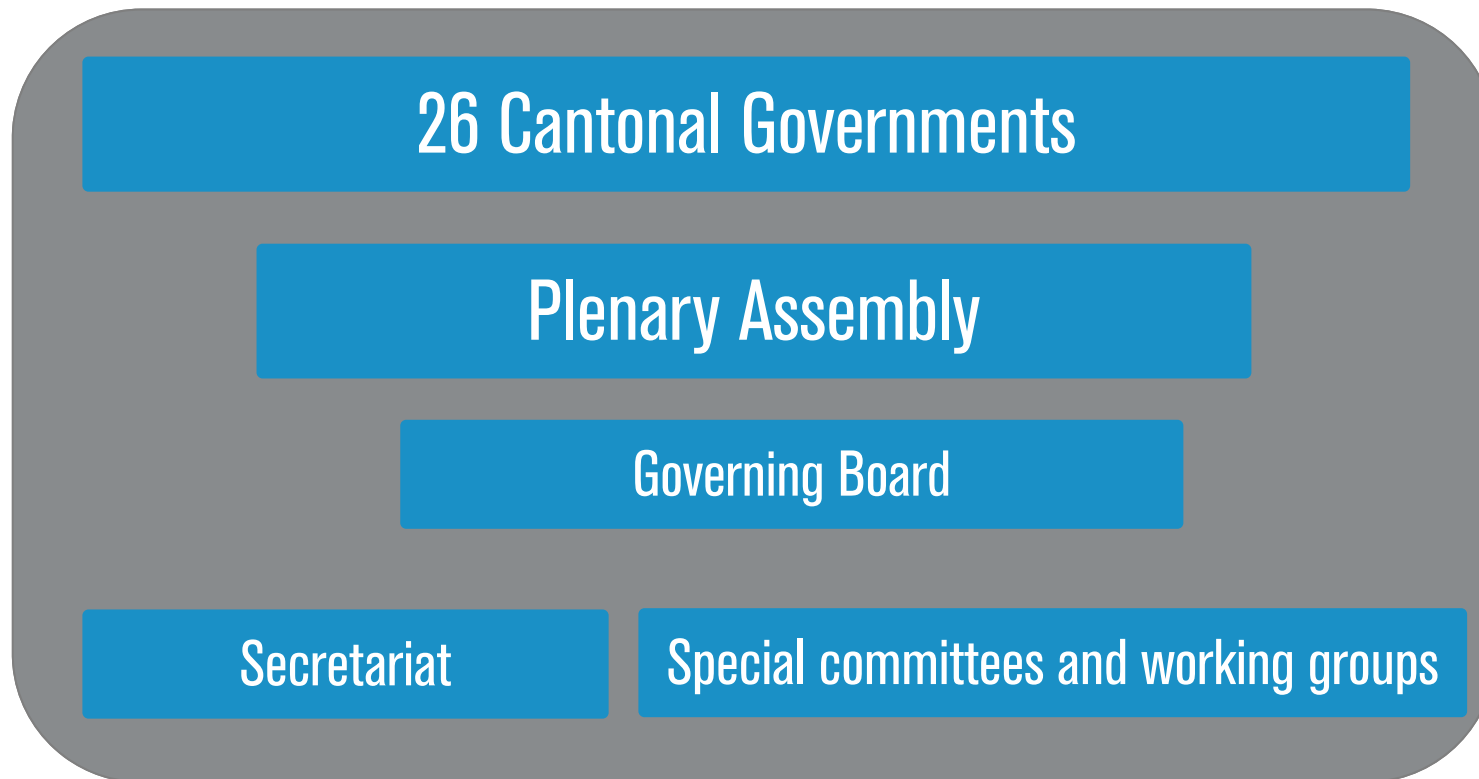
Domestic politics

- Topics of general political importance
- Renewal and further development of federalism
- Matters related to principles of task allocation between Confederation and Cantons (e.g. financial equalization)
- Matters related to principles of the conduct of federal tasks by the Cantons
- Political matters with extensive and trans-sectoral contents

Foreign policy

- Swiss – EU relations
- Free trade agreements
- WTO
- Human rights

Organisation of the CCG



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Reasons for the participation of the Cantons in Switzerland's
European policy

Key elements of Swiss federalism (I)

- Self-determination
 - Art. 42, p. 1 Cst: The Confederation fulfils the duties that are assigned to it by Federal Constitution.
 - Art. 43 Cst: The Cantons decide on the duties that they must fulfil within the scope of their powers.
 - Art. 43a, p. 1 Cst: The Confederation only undertakes tasks that the Cantons are unable to perform or which require uniform regulation by the Confederation.

Key elements of Swiss federalism (II)

■ Participation

- Art. 44, p. 1 Cst: The Confederation and the Cantons shall support each other in the fulfilment of their duties and shall generally cooperate with each other.
- Art. 45, p. 1 Cst: ... the Cantons shall participate in the federal decision making process, and in particular in the legislative process.

■ Implementation

- Art. 46, p. 1 Cst: The Cantons shall implement federal law in accordance with the Federal Constitution and federal legislation.

Switzerland's foreign policy

- Foreign policy competence resides at the federal level...
 - Art. 54, p. 1 Cst: Foreign relations are the responsibility of the Confederation.
 - Art. 54, p. 3 Cst: It (*The Confederation*) shall respect the powers of the Cantons and protect their interests.
- ... but the federal structure requires the participation of the Cantons:
 - Art. 55, p. 1 Cst: The Cantons shall be consulted on foreign policy decisions that affect their powers or their essential interests.
 - Federal Law Concerning Cantonal Participation in the Foreign Policy of the Federal Government

Reasons for the participation of the Cantons in foreign / European policy

- Preservation of federalist structures requires mechanisms for the safeguard of cantonal competences through participation in foreign policy issues touching upon cantonal competences or interests.
- The know-how of the Cantons concerning the implementation of obligations deriving from international treaties must be taken into account during the negotiation phase.
- Due to its proximity to citizens the Cantons contribute to the acceptance of foreign/European policy decisions within the population.

03

Powers and Interests of the Cantons

Powers and interests of the Cantons (existing agreements) between Switzerland and European Union

- Agreement on the free movement of persons
- Agreement on public procurement
- Research Agreement (Horizon 2020)
- Agreement on civil aviation
- Agreement on overland transport
- Schengen Association Agreement / Dublin Association Agreement
- Taxation of savings income Agreement / Agreement on the automatic exchange of information
- Agreement on the fight against fraud

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Mechanisms of participation

Mechanisms of Participation at the Political level

- During the pre-parliamentary process:
 - "Federalism Dialogue", "European Dialogue" with the Federal Council
 - Periodic contacts with the bureau of the Council of States
 - Consultation procedure (Art. 147 Cst.)
 - Political commissions, working groups and delegations
- During the deliberations in the Parliament:
 - Hearings by parliamentary commissions
 - Representation of interests
- Ultima ratio: Referendum by the Cantons

Mechanisms of Participation at the Administrative level

- Working groups
- Delegations: negotiations, regular meetings (e.g. joint committees)
- Representatives of the Secretariat of the CCG working in the federal administration:
 - Department of Justice and Police
 - Department of Foreign Affairs (Directorate of European Affairs, Mission of Switzerland to the European Union)

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Swiss-EU relations: Position of the Cantons

General position of the CCG

- EU remains the most important partner for Switzerland
 - A freeze or even a setback of the Swiss-EU relations is not an option for the Cantons
 - Further deepening of the Swiss-EU relations leads to centralization of competences
-
- Support of structured Swiss-EU relations via an institutional framework agreement
 - Need for domestic reforms in order to preserve federalism and direct democracy

Position of the Cantons on the Institutional Agreement

Recent negotiations CH-EU have enabled to narrow the gap between the two positions:

- Convergence on the settlement of disputes
- State Aids : almost convergence on material rules, still some divergence on the issue of supervision

Divergences still exist as regards :

- Issue of Flanking Measures
- EU-Citizenship Directive

To sum up : Importance of the Cantons in the Swiss-EU relations

- The cantonal governments are the institutional partner of the Federal Council
 - Support for foreign policy decisions by the Cantons increases domestic acceptance and approval in votes
- Swiss federalism implies explicit division of competences
 - Cantonal interests have to be taken into account



Thank you for your attention!

Questions and remarks?