

EU/Switzerland

Free movement: Parliament slams Berne's decision

By Tanguy Verhoosel | Thursday 24 May 2012

Members of the European Parliament, following in the footsteps of the EU's chief diplomat Catherine Ashton, vehemently criticised, on 24 May, Switzerland's reintroduction of restrictions on free movement of persons. Calling the decision "discriminatory and illegal," they urged Berne to back down.

Applying a safeguard clause written into its 1999 agreement on free movement with the EU, Switzerland decided, on 18 April, to limit the number of long-term residence permits issued to nationals of eight Central and Eastern European countries that joined the EU in 2004: Poland, Lithuania, Latvia, Estonia, Slovenia, Slovakia, the Czech Republic and Hungary.

Basing their position on the very firm stance taken immediately by Ashton, MEPs consider the move "discriminatory and illegal". In a resolution adopted by an overwhelming majority (486 to 30, with 27 abstentions), they urge Swiss authorities to "re-examine" the decision.

During the debate ahead of the vote, Switzerland came under fire from MEPs from all the political groups and of every nationality. In fact, only Dutch populist Auke Zijlstra (NI) defended Berne, hailing the Swiss "example" on fighting the "free movement of criminals".

The Swiss decision "violates the letter and the spirit of the agreement" on free movement of persons. "We cannot accept its decision establishing differences" between EU citizens, said Evelyne Gebhardt (S&D, Germany). Switzerland's mistake is "not only political, but also economic" due to the advantages it draws from open borders, added Jürgen Creutzmann (ALDE, Germany). "The Union cannot authorise such behaviour, dictated by Swiss populist parties," exclaimed Tanja Fajon (S&D, Slovenia). "We have to react," insisted Tatjana Zdanoka (Greens-EFA, Latvia). Simon Busuttil (EPP, Malta) pointed out in this connection that a "guillotine clause" exists in all the agreements the EU concluded with Switzerland in 1999: the denunciation of one leads to the annulment of all the others. Commissioner Janez Potocnik nevertheless noted that the European Commission "does not intend to denounce the agreement" or to take retaliation measures. "That would be even worse for the Union and its nationals."

The Commission will not stand idly by, however, he added. The subject will be discussed on 27 June, at the annual meeting of the EU-Switzerland Joint Committee (Comix) charged with managing the agreement on free movement.

This agreement "has worked badly in the past," observed the commissioner, referring to certain flanking measures adopted unilaterally by the Swiss to prevent social and wage dumping. The Union has so far fought them unsuccessfully in the absence of a dispute resolution mechanism. Everything goes through Comix, at political level.

MEPs are aware of the problem. Their resolution states that "the situation must be examined in a wider context," ie overall relations between Switzerland and the EU, which the Union wishes to recalibrate from the institutional standpoint by creating not only a dispute resolution mechanism but also instruments for supervising application of agreements between the two parties and for "dynamic" adoption of the EU *acquis*(legislation and case-law) by Switzerland. Most agreements between Berne and the EU are static and their development depends on the good will of the Swiss.

In these circumstances, the controversy over Switzerland's reintroduction of certain workforce quotas is music to European ears, as the Swiss seem unwilling to accept the EU's demands, hiding behind the imperative of protecting the country's sovereignty. In Berne, some recognise that Switzerland has shot itself in the foot with this decision, purely for domestic political reasons.

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