



EUROPEAN COMMISSION

STATEMENT

Strasbourg, 26 February 2014

Developments following the Swiss referendum on 9th February - statement by European Commissioner László Andor on behalf of European Commission to European Parliament plenary session

President,

Honourable Members,

Let me say a few words on the recent developments following the Swiss referendum held on 9 February.

As you know, the Free Movement Agreement between the EU and Switzerland, confers on EU citizens and their family members a right to move to Switzerland, to reside there and carry out an economic activity as an employed or self-employed person (and of course the corresponding right of Swiss nationals in the EU).

Around 450 000 Swiss citizens exercise their right to live and work in the EU, and nearly 1.2 million EU citizens live in Switzerland and more than 250 000 cross-border commuters from the EU arrive in Switzerland on a daily basis.

Switzerland is deeply interconnected with its neighbours in terms of infrastructure, culture and family links. The EU and Switzerland are bound by dozens of bilateral agreements which are giving Switzerland privileged access to the internal market, and are promoting exchanges, both commercial and personal, with the EU. All of these were concluded based on mutual trust, interest and reciprocity.

However, the popular vote of 9 February now calls the freedom of movement of persons into question. The Swiss authorities told the Commission that they need time to reflect on how this could be implemented. The Swiss Federal Council has up to three years to implement the vote, so there is no immediate massive crisis. In the meantime, and I want to be very clear on this, both sides must continue to fulfil all their obligations under the existing agreements. *Pacta sunt servanda*. A deal is a deal, and selective implementation or even "cherry-picking" is not an option.

The Commission stands ready to listen to the Swiss proposals which are now being considered and which we haven't seen yet. The ball is in their court. Our *marge de manoeuvre*, however, is extremely limited. **This core principle of the free movement of persons is a cornerstone of our relationship. It is a fundamental right. It is not simply "negotiable", as some tend to believe.**

It is very difficult to imagine how immigration quotas and national preference could be made compatible with the agreement on the full free movement of persons we are having with Switzerland. Quotas are contrary to the principle free movement, and the principle of free movement is not only an essential part of the internal market, which cannot be decoupled from the other freedoms, but also at the heart of our overall relations with Switzerland. A package is a package! One can't have the cake and eat it.

There are, however, some direct consequences of the amendment to the Swiss constitution introduced by the vote:

Following this constitutional change, the Swiss Federal Council has informed us that it is still evaluating whether it is in a position to sign the – already negotiated and initialled – Protocol extending the free movement of persons agreement to Croatia.

The Commission has been crystal-clear that we expect this extension as planned, and that we cannot accept different treatments between our Member States in this crucial field. The Swiss government indicated to us that they will have concluded their internal reflections on the Protocol by early April. We need to know this fast.

Precisely to avoid such discrimination, the Council's negotiating directives for Swiss association and participation in Horizon 2020 and Erasmus+ clearly link these related agreements to the "Croatia Protocol". Negotiations of these agreements will therefore not go ahead until Switzerland formally concludes the Protocol, black on white.

In the absence of an international agreement on determining the conditions for Switzerland's association to Horizon 2020, Switzerland does not participate in this programme as an associated country. This means that for 2014 calls for proposals participation of Swiss entities will be in accordance with Horizon 2020 provisions governing participation of third country entities.

As for Erasmus +, Switzerland has now missed the time for the 2014 grant award decisions. This means that in 2014, Switzerland will not participate in Erasmus+ on equal footing with Member States as initially envisaged and its participation will be limited to cooperation activities as with any other third country.

I want to make very clear that this freeze of negotiations is not a "punishment" or "sanction" for the expression of the Swiss electorate, but a logical consequence of the choice Switzerland itself has made, a consequence which was very well-known before. Nobody can pretend to be surprised here. Of course, nobody has an interest in breaking off dialogue, and we will continue to engage constructively in the hope that a solution can be found rapidly. But we have to take into account the changed circumstances and the possible non-conclusion of the Croatia Protocol. **Business as usual is not an option.**

In the same vein, and I want to be equally clear: nobody on our side has an interest in terminating the Freedom of Movement of People Agreement and invoking the guillotine clause linking the package of agreements concluded in 1999. Not even the proponents of the initiative are aiming for this. I therefore trust that the Swiss authorities will make serious and significant efforts to try and square the circle, and that we will be able to say in a year from now that relations with Switzerland are as close and friendly as they were before 9 February.

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