

Free movement of people from the standpoint of the Fifth Switzerland : freer movement for Swiss abroad

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Freer movement for Swiss Abroad

The agreement with the European Union (EU) governing free movement of people touches on a vital issue for the Fifth Switzerland. What are its consequences for our compatriots abroad?

As part of the bilateral sector-related negotiations with the EU, the Federal Council's negotiators have agreed that, under the terms of the dossier on the movement of persons, free movement of people is to be introduced

*Peter Amstutz**

between Switzerland and the fifteen EU member states over a maximum period of seven years.

Reciprocal national treatment

The main benefit once all seven EU treaties come into force is the so-called national treatment in Switzerland of citizens of EU member states and of Swiss in the EU. These future regulations, which have still to be debated by the National Council and Council of States and by the national parliaments of EU member states, have a direct impact on the legal status of present and future Swiss Abroad.

High ratio of dual citizenship

According to statistics published on 30 June 1998, there are 562,813 Swiss Abroad registered at Swiss consular offices in 193 states throughout the world. Of these, 333,726 live in EU states, and of this number 71.42 percent have dual citizenship. However, 103,000 or more relatives of the Fifth Switzerland in EU states possess only a Swiss passport. The largest Swiss communities in the EU are in France (145,984), Germany (66,744), Italy (39,418), the United Kingdom (24,208), Spain (17,834) and

Austria (11,905). In France alone there are more Swiss than in the ten smallest cantons of Switzerland put together.

Range of concessions

What are the implications of the bilateral agreements for the Fifth Switzerland? The Federal Council's 1999 integration report categorically states that, "Swiss Abroad will primarily benefit from the lifting of restrictions within the community, i.e. free movement of people." Swiss nationals already resident within the EU will benefit from equal status with EU nationals in the following ways:

- Full national treatment for Swiss Abroad, particularly in respect of pay and working conditions, social benefits (e.g. subsidised accommodation) and taxation.
- Unrestricted access to the labour market and to self-employment as well as free choice of jobs and professions within the entire EU territory. With the exception of activities that exercise jurisdiction (armed forces, police, administration of justice, fiscal administration, diplomatic corps), Swiss nationals are no longer subject to any restrictions based on nationality.
- The right to practice a profession in the EU is granted on the basis of mutual recognition of diplomas and professional qualifications. This is primarily important for self-employed persons. Persons who are not self-employed are paid in line with their professional qualifications and experience.
- Provided they furnish proof of sufficient funds and membership of a health insurance scheme, Swiss Abroad without gainful employment are also entitled to residency in the EU. This is especially important for students and retired persons. On the other hand, the bilateral agreement does not grant unrestricted admission to foreign institutes

of learning. Only full EU membership would guarantee this concession.

- Residency is generally granted for five years at a time and is only limited for stays of less than one year. Residency permits may not be withdrawn on



The gradual transition to free movement of people is increasing the mobility of those in employment. (Photo: Keystone)

grounds of involuntary loss of employment, illness or accident. Swiss Abroad are entitled to return to the EU at any time.

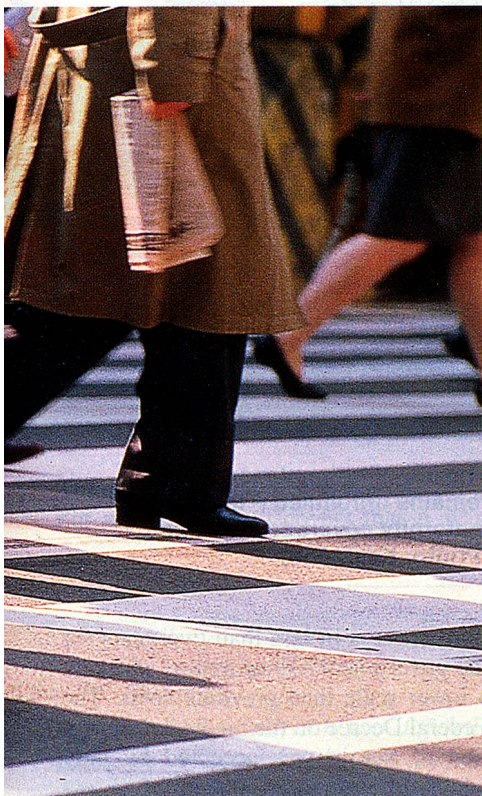
- For Swiss nationals resident in a EU country there are no restrictions on the acquisition of property.
- Families of Swiss Abroad (spouse, children up to 21 years old or older if maintenance is guaranteed, and relatives in the ascending line) are entitled to accompany them under the provisions of EU Community law. Family members also have the right to engage in gainful employment.

*The author has been parliamentary editor of the "Basler Zeitung" since 1978.

● Swiss nationals working for multinational companies domiciled in the EU are entitled to move to any EU state without being subject to any labour market restrictions or other reservations.

● In the service sector the agreement effects a partial liberalisation, primarily in respect of the right of self-employed persons and legal entities (companies) to engage Swiss employees for up to ninety days in an EU member state.

● In terms of national treatment and social insurance coordination (which now includes health insurance), the main concession concerns the multilateral computation of coverage periods for benefits. At present, under the terms of bilateral social security agreements, benefits are usually computed in relation to the calculable period of coverage (pro rata temporis).



Uncertain outcome of optional AHV

One special consequence of the bilateral agreements concerns the optional old age and survivors' insurance for Swiss Abroad. Due to the fact that, according to the Federal Office of Social Insurance, Community law forbids any form of discrimination on grounds of nationality, EU members would also be entitled to supplementary insurance options in Switzerland (with the corresponding cost implications for the AHV fund). However, this view is vehemently opposed by the Organisation for the Swiss Abroad, which repre-

sents the interests of the Fifth Switzerland before the federal authorities. The Federal Council regards reform as essential and is endeavouring to limit insurance entitlement to Swiss Abroad resident outside the EU. This amendment, which is now to be submitted for debate by parliamentary committees and legislative councils, is to be enacted simultaneously with the bilateral agreement. Previous entitlements to pensions from the optional insurance scheme are not affected.

Entitlement to welfare benefits not at risk

Swiss Abroad who will no longer be able to pay optional AHV contributions and will therefore be dependent primarily on the social benefits of their host countries for their livelihood, will continue to be entitled to welfare benefits from the Swiss Confederation. Berne anticipates an increase in such claims. Should the majority of EU Swiss Abroad colonies lose their right to optional AHV coverage, the Federal Council promises that, "The Swiss authorities will endeavour to provide those affected with an appropriate alternative within the framework of the bilateral agreement on social security." ■

Literature on Switzerland and the EU

Of the vast array of publications characterised not so much by academic objectivity as by firm political conviction, the following titles should provide readers with some insights on the different ideological standpoints:

AGOS (Arbeitsgemeinschaft für eine offene Schweiz): Schweizer Europapolitik am Scheideweg. Eine Orientierungshilfe der AGOS, St. Gallen 1998.

NEBS (Neue Europäische Bewegung Schweiz): Auf in die Europadebatte! Beiträge zu einer breit angelegten Grundsatzdiskussion, Bern 1999.

The authors of these two brochures plead for unalloyed rapprochement with the EU and stress the advantages that will result for Switzerland from more intensive cooperation.

Willy Futterknecht: Die EU durchleuchtet: 52 dokumentierte EU-Aufklärungstexte, Stans 1998.

Willy Futterknecht: EU zerstört Souveränität: eine Klarstellung zur bundesrätlichen Täuschungstaktik, Stans 1998.

The author sympathises with the campaign for an independent and neutral Switzerland (AUNS) and views any rapprochement with the EU as fatal for the Confederation's continued prosperity. LS

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