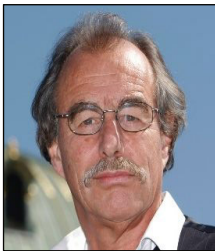


The EU institutional agreement visibly eludes the Swiss federal government

“Abort the exercise”: This is what more and more politicians, trade unionists and even new business committees are calling for

by Niklaus Ramseyer



Niklaus Ramseyer
(Picture Infosperber)

“Swiss Federal Councillor *Ignazio Cassis*, Department of Foreign Affairs, must now find the reset button he wanted to press at the beginning of his term of office as soon as possible.” That’s what the new president of the Swiss People’s Party (SVP) and Ticino national councillor *Marco Chiesa* said early this year in the Swiss daily *Neue Zürcher Zeitung* about the draft institutional agreement between Switzerland and the EU. Chiesa’s demand is only logical – and not new: His party was and is fundamentally opposed to the agreement.

What is new is that Chiesa’s calling the shots for “aborting the exercise” on this issue, is gaining broader support beyond his party: *Pierre-Yves Maillard*, president of the *Swiss Trade Union Federation* (SGB) and socialist (SP) national councillor from Western Switzerland, told the daily *Aargauer Zeitung* on 15 January that “it would be clearer and more honest to aim for a full restart of the negotiations”. Maillard is convinced that the current draft institutional agreement would have “hardly any chance in a ballot anyway.”

Discussing Brussels’ will – instead of threats towards Bern

The country’s top trade unionist also explicitly criticizes the “sovereignty issue in the agreement. In September, the president of the Christian-Democrats (CVP) President *Gerhard Pfister* had already described it as a “fundamental problem” and emphasized: “the role of the *European Court of Justice* (ECJ) in the institutional agreement is toxic.”

But even then, the EU clearly signalled that nothing will be changed in the draft agreement being on the table since the end of 2018 – and

that it was not prepared to engage in any actual “renegotiations” on the text of the agreement itself. At most, there might still be talks on how the meagre 35-page agreement should be understood – and on “formal clarifications” in additional protocols.

Knowing full well that the sovereign in the country – or even the parliament in Bern beforehand – would hardly ever approve the present EU treaty, the liberal foreign affairs minister Ignazio Cassis and his six government colleagues, in their precarious position between the Swiss people and EU bureaucrats, had already fallen for the following strategy as a diversionary manoeuvre: Bern will talk again with Brussels “about three core issues”, they announced. Questions concerning wage protection, the EU Citizens’ Rights Directive and state subsidies (concerning cantonal building insurances, cantonal banks and tax privileges for newly founded companies) are to be “clarified”.

Why only these three points in particular? On the one hand, because the Swiss federal parliament obviously believes that this is the best way to get the EU to agree to talks, and on the other hand, because it believes that it can appease three important groups resisting the EU agreement in the country: The unions, who are worried about the good Swiss wage protection level; the right-wingers, who absolutely do not want the EU Citizens’ Rights Directive to apply in Switzerland; the cantons, who do not want to lose their solid, public building insurances and cantonal banks.

Three little mice in the corner of the room and an “elephant in the middle”

The diversion manoeuvre now threatens to fail: “These three aspects are important,” admits the lawyer and liberal (FDP) councillor of state *Thierry Burkart* in a basic article published by CH-

Media on 14 January. But like the left-wing trade unionist Maillard, the right-wing politician Burkart emphasizes straight away: “the real problem of the institutional agreement is the loss of sovereignty. This is the “real elephant in the room.” And the Swiss federal government’s “three unresolved points” would have to be referred to – using Burkart’s metaphor – as three little mice in the corner of a room.

"Total cost clearly too high"

Burkart’s “elephant” is akin to the EU and how the agreement would “provide the framework whereby local institutions can do policy making”. The Swiss authorities would become “de facto enforcement agents, forced to transpose European law into domestic law.” What’s more, “the comprehensive *guillotine clause* provided for in the agreement, means that there is effectively no way out of the institutional agreement for Switzerland – unless we join the EU.” The lawyer and liberal councillor of state does his maths: the “overall political cost» for the framework agreement is “clearly too high.” Thus he requests that the Swiss parliament “be honest with our most important foreign policy partner – and breaks off negotiations with this clear statement.”

Magisterial warnings from the right and left

The leadership of the liberal party (FDP) stresses that this is not the opinion of its party majority – and reaffirms the position it adopted a year ago: “yes, for the sake of reason” to the EU institutional agreement. But support for the liberal foreign affairs minister Ignazio Cassis (FDP) on this issue is dwindling rapidly, even within his party. Already last autumn, the former liberal federal councillor, head of the federal department of economic affairs and Bernese entrepreneur *Johann Schneider-Ammann* (FDP) caused a stir with his warning about the dangers of the institutional agreement for our sovereignty – especially with his harsh rejection of the guillotine clause in the draft agreement: “such a threatening instrument is unnecessary for the EU and unworthy of Switzerland”.

A month later, his former socialist government colleague *Micheline Calmy-Rey* (SP) agreed with him from the left: “everyone agrees that the planned agreement would endanger

Switzerland’s sovereignty”, wrote the former foreign affairs minister of Switzerland in the euro sceptic weekly *Weltwoche*, because with the agreement “we would be treated no differently than any other third country on which controls and binding opinions of the European Court of Justice are imposed”.

"Autonomiesuisse" instead of "Economiesuisse"

Thus the project called “EU institutional agreement” is visibly eluding the Swiss foreign affairs minister and the federal government: The “sovereignty issue” had already been important for the Swiss federal government in the previous negotiations with the EU”, Cassis answered evasively to corresponding questions in a long interview in the *NZZ* on 18 January 2021. Only to quickly re-emphasize his three “controversial points”. One can begin to feel sorry for the man: the Swiss federal Bern continues to talk mantratically in a chorus with the major media about the alleged “three core problems”. But the opinion-makers in Swiss politics and business have long been discussing “the elephant in the room” – the loss of sovereignty. Only the Green-Liberals are still united behind Cassis in pushing for a quick signing of the EU treaty – as is the federation of Swiss business, *economiesuisse*: the agreement is “an opportunity for Switzerland”, it continues to say. It even claims that it “strengthens our sovereignty”. With such statements, however, the business organisation is weakening its support among the business community rather than strengthening it for the EU institutional agreement. As an alternative, well-known entrepreneurs founded the punningly smart counter-project “autonomiesuisse” last autumn, which already counts 350 members – including liberals.

Among them are business leaders, such as transport entrepreneur *Bruno Planzer*, the Chairman of the Board of *Swiss Life*, *Rolf Dörig*, and *Peter Spuhler* (head and owner of the Stadler Rail Group and former SVP national councillor). *Jean-Pascal Bobst* of the important Vaud-based company of the same name is also taking part, as is *NZZ* publicist *Beat Kappeler* – as well as professors *Ernst Baltensperger* and *Martin Janssen*. A similar committee called Alliance/Compass Europe was presented by the weekly “*Sonntags Zeitung*” on 17 January 2021. This al-

liance states that the institutional agreement is “a totally one-sided treaty.”

A better agreement – or none at all

Meanwhile, the co-president of *autonomiesuisse*, *Hans-Jörg Bertschi*, head of the logistics company of the same name, criticizes: “*autonomiesuisse*’s arguments in favour of the institutional agreement fall short – they are shaped by large corporations whose executives are usually not responsible as owners, are often non-Swiss and do not understand direct democracy.” *Autonomiesuisse* is calling on the Swiss federal government to stop and re-negotiate “for a better agreement” – or for none at all. The business association quotes the former head of Credit Suisse and UBS, *Oswald Grübel*, who says we don’t need an institutional agreement with the EU after all. And he, too, argues not in terms of finance, but in terms of public policy: “Switzerland should not submit to the dictates of the European Court of Justice without necessity.” Now not even the opinion leaders in the business world are willing to sacrifice the direct democratic rights of the entire Swiss population for the economic advantages of a commercially interested minority.

Cassis cannot and does not want to see the "elephant" at all

For *autonomiesuisse*, the debate about the EU treaty is not about “market access” but about Switzerland’s sovereignty – the “elephant in the middle of the room”. The EU, however, refuses to discuss this issue. And our weak foreign affairs minister Cassis certainly doesn’t dare to bring it up. Nevertheless, his new EU chief negotiator, state secretary *Livia Leu*, finally had a “first contact meeting” in Brussels on Thursday, as the NZZ reports. However, Leu neither saw nor met EU commission president *Ursula von der Leyen*. Nor is there a veritable negotiator for Switzerland. Why should there be? The EU simply denies any need for negotiations or re-negotiations on the institutional agreement with Switzerland. The position in Brussels is vacant at the moment anyway. The EU presidency therefore sent only the deputy of its chief of staff, a Frenchwoman named *Stéphanie Riso*, to the meeting with Leu. This seemed to Brussels to be just the right thing to tell the Swiss that there is little to negotiate about any mice in the institutional agreement – and even less about elephants.

Source: www.infosperber.ch, dated 24 January 2021