

Three Reasons for Dynamic Adoption of Law

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At a glance

There are plenty of horror stories circulating about the dynamic adoption of laws as part of the Bilateral Agreements III. It's time to set the record straight.

First reason: A single market can only function with common rules

For 25 years, Switzerland has had five bilateral agreements that allow us to participate in the EU single market on a sector-by-sector basis. However, a single market can only function if the same rules apply to all participants. This is also an advantage for Switzerland. Pacemakers, for example, must meet the same safety standards throughout the single market. Once approved, they can then be sold and used anywhere. Sounds logical. If the rules change, the bilateral agreements have been adapted in the past following negotiations. But what happens when these adjustments fail to materialize has become clear since the failure to update the agreement on technical barriers to trade in medical technology. Certain products, such as pacemakers, are no longer manufactured by European producers for the Swiss market, which jeopardizes the security of supply in our hospitals. To avoid such problems in the future, Switzerland and the EU now want to simplify this process and redefine the rules for the adoption of legislation.

Second reason: The scaremongering is absurd—it affects only a few agreements

Dynamic adoption of EU law is not boundless, but is strictly limited in two respects. Opponents are currently spreading the scare story that Switzerland would have to adopt the entire EU internal market law in the future. That is simply false. The Federal Council recently stated this unequivocally in a response to a parliamentary interpellation ([Interpellation 24.3612](#)): Dynamic adoption of legislation applies to only eight of 140 agreements—a mere 5.7%! Thus, the Bilateral Agreements III provide for dynamic adoption of legislation only in the existing internal market agreements on the free movement of persons, air and land transport, agriculture, and technical barriers to trade, as well as in the two new internal market agreements in the areas of electricity and food safety, and the cooperation agreement on health.

What does this tell us? Contrary to the claims of opponents of the Bilateral Agreements III, numerous EU regulations—such as the Supply Chain Directive (CSDDD), the Sustainability Reporting Directive (CSRD), the Deforestation Regulation (EUDR), the Carbon Border Adjustment Mechanism (CBAM), the Artificial Intelligence Regulation (AI Act), or the Digital Services Act (DSA),

will not be adopted. The reason for this is simple and should be obvious to everyone: there are simply no corresponding bilateral agreements between Switzerland and the EU in these areas.

And it gets even better: Switzerland negotiates exemptions with the EU, for example regarding wage protection or land transport. For instance, Switzerland will not have to adopt any rules regarding the free movement of persons in the future if doing so would lower the current level of wage protection. Furthermore, in the future, all providers of international rail services must comply with the Swiss regular-interval timetable, our fare system, and local working conditions. Anyone trying to stir up panic here is either acting out of ignorance or deliberately misleading the public. Such desperate arguments that ignore the facts must be exposed.

Third reason: Direct democracy remains untouched

Opponents act as if Switzerland would lose its sovereignty. That is nonsense: Switzerland remains autonomous. Even with the new agreements, the Federal Council, Parliament, or the people can refuse to adopt any individual legal provision if they do not agree with it. Incidentally, dynamic adoption of EU law has already been enshrined for years in the Air Transport Agreement as well as in the Schengen/Dublin Agreements—and this has been working well since their entry into force in 2002 and 2008, respectively. Should Switzerland ever refuse to adopt EU law in the future, the EU has the option to take proportionate compensatory measures. The EU and Switzerland would then determine, on an equal footing, what constitutes a proportionate course of action. Today, the EU imposes measures unilaterally against Switzerland without our country having any means to defend itself. The Bilateral Agreements III thus significantly improve legal certainty. Anyone who rejects the Bilateral Agreements III for this reason would rather accept uncertainty than find fair and transparent solutions.