

A relationship of treaties

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Switzerland is the only one of the European Union's large neighbours whose relationship with the Union rests on a web of sectoral agreements. Norway, Iceland and Liechtenstein participate in the internal market through the Agreement on the European Economic Area, which extends the relevant Union law to them through a common institutional mechanism with the EFTA Surveillance Authority and the EFTA Court. The United Kingdom left the Union in 2020 and concluded a Trade and Cooperation Agreement that grants tariff-free trade in goods while excluding most services from market access. Switzerland occupies a position between these models: it participates in parts of the internal market through bilateral agreements whose content largely mirrors Union law, although it has never accepted a general institutional framework for their application.¹

The Federal Department of Foreign Affairs counts more than one hundred agreements between Switzerland and the Union, of which about twenty are regarded as central. Most of them are static treaties, which means that they reproduce the Union law in force at the time of their conclusion and are updated only by decisions of the joint committees that administer them. As long as Union law changed slowly, the static method worked tolerably well. Since the internal market is a moving body of law, the gap between the agreements and the evolving Union *acquis* widened with every year, while the Union grew increasingly unwilling to extend market access without a mechanism ensuring that the rules would keep pace.² This structural tension is the background of everything that follows in this chapter.

1 Notes

1. On the comparison of the EEA model, the British Trade and Cooperation Agreement of 30 December 2020 and the Swiss bilateral

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model, see the reports of the Federal Council on European policy and the general literature on Swiss–EU relations, e.g. Christa Tobler and Jacques Beglinger, *Essential EU Law in Charts / Grundzüge des bilateralen (Wirtschafts-)Rechts Schweiz–EU*, Zurich (several editions). To be verified. ↩

2. On the number of agreements (more than 100, about 20 main agreements) and the static character of the bilateral agreements, see the publications of the Federal Department of Foreign Affairs (FDFA), Directorate for European Affairs, "Switzerland–EU: overview". Figures to be verified. ↩

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