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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the European Union, of a broad package of agreements between the European Union, of the one part, and the Swiss Confederation, of the other part, to consolidate, deepen and expand their bilateral relations, and on the provisional application of the Agreement on the terms and conditions for the participation of the Swiss Confederation in the European Union Agency for the Space Programme

COUNCIL DECISION (EU) 2026/...

of ...

**on the signing, on behalf of the European Union, of a broad package of agreements
between the European Union, of the one part,
and the Swiss Confederation, of the other part,
to consolidate, deepen and expand their bilateral relations,
and on the provisional application of the Agreement
on the terms and conditions for the participation of the Swiss Confederation
in the European Union Agency for the Space Programme**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By way of Decision (EU, Euratom) 2024/995¹, the Council authorised the Commission to open negotiations with the Swiss Confederation (hereinafter also referred to as ‘Switzerland’) for a broad package of agreements on measures related to bilateral relations with Switzerland, comprising of institutional and State aid provisions in, and, where necessary, specific adaptations to existing agreements between the Union and Switzerland in fields related to the internal market (‘agreements in fields related to the internal market in which Switzerland participates’), namely: the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road² (the ‘Agreement on the Carriage of Goods and Passengers by Rail and Road’), the Agreement between the European Community and the Swiss Confederation Air Transport³ (the ‘Agreement on Air Transport’), the Agreement between the European Community, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons⁴ (the ‘Agreement on the Free Movement of Persons’), the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in Relation to Conformity Assessment⁵ (the ‘Agreement on Mutual Recognition’), and the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products⁶ (the ‘Agreement on Trade in Agricultural Products’), which were all signed on 21 June 1999.

¹ Council Decision (EU, Euratom) 2024/995 of 12 March 2024 authorising the opening of negotiations with the Swiss Confederation on institutional provisions in agreements between the European Union and the Swiss Confederation related to the internal market, on an agreement on the Swiss Confederation’s participation in Union programmes and on an agreement that forms the basis for the Swiss Confederation’s permanent contribution to the Union’s cohesion (OJ L, 2024/995, 26.3.2024, ELI: <http://data.europa.eu/eli/dec/2024/995/oj>).

² OJ L 114, 30.4.2002, p. 91, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(3\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(3)/oj).

³ OJ L 114, 30.4.2002, p. 73, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(2\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(2)/oj).

⁴ OJ L 114, 30.4.2002, p. 6, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(1\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(1)/oj).

⁵ OJ L 114, 30.4.2002, p. 369, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(5\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(5)/oj).

⁶ OJ L 114, 30.4.2002, p. 132, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(4\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(4)/oj).

- (2) Decision (EU, Euratom) 2024/995 also authorised the Commission to open negotiations with Switzerland on an agreement on Switzerland's participation in Union programmes, on a legally binding mechanism ensuring Switzerland's permanent financial contribution to the reduction of economic and social disparities in the Union, and on new agreements on electricity, health, and food safety. In addition, that Decision authorised the opening of negotiations on agreements on the participation of Switzerland in the European Union Agency for the Space Programme and in the European Union Agency for Railways, and on the amendment of the Agreement on Air Transport to allow for cabotage.

- (3) The broad package, as negotiated by the Commission on behalf of the Union includes protocols on institutional, State aid, and amending provisions to existing agreements in fields related to the internal market in which Switzerland participates, the Protocol to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products establishing a common food safety area (the ‘Food Safety Protocol’), the Agreement between the European Union and the Swiss Confederation on electricity (the ‘Agreement on Electricity’), the Agreement between the European Union and the Swiss Confederation on health (the ‘Agreement on Health’), the Agreement between the European Union and the Swiss Confederation on Switzerland’s regular financial contribution towards reducing economic and social disparities in the European Union (the ‘Agreement on Cohesion’), the Agreement between the European Union and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, on the participation of the Swiss Confederation in Union programmes (the ‘Agreement on Union Programmes’), the Agreement between the European Union and the Swiss Confederation on the terms and conditions for the participation of the Swiss Confederation in the European Union Agency for the Space Programme (the ‘Agreement on EUSPA’), as well as the Protocol between the European Union and the Swiss Confederation on parliamentary cooperation (the ‘Protocol on Parliamentary Cooperation’).

- (4) The institutional provisions included in the institutional protocols to the Agreement on the Free Movement of Persons, the Agreement on the Carriage of Goods and Passengers by Rail and Road, the Agreement on Air Transport, and the Agreement on Mutual Recognition (the ‘institutional protocols’) as well as the Agreement on Electricity, the Agreement on Health and the Food Safety Protocol, lay down obligations for the joint committees established under those agreements and protocols to integrate all acts of Union law falling within their scope, as well as provisions to ensure the uniform interpretation and application of all agreements in fields related to the internal market in which Switzerland participates. Where the application of those agreements and the protocol involves concepts of Union law, those concepts are to be interpreted and applied in accordance with the case-law of the Court of Justice of the European Union. The institutional provisions also lay down effective mechanisms for the resolution of disputes based on arbitration, including the referral to the Court of Justice of the European Union of all questions of Union law. In cases of non-compliance with a decision of the arbitral tribunal, the broad package provides for proportionate compensatory measures to be adopted under the agreement concerned or under any of the agreements in fields related to the internal market in which Switzerland participates.
- (5) The amending protocols included in the broad package make the necessary substantive changes to the existing agreements between the Union and Switzerland to ensure consistency with the new institutional framework. In addition, the amending protocol to the Agreement on Air Transport provides for the mutual exchange of cabotage rights.

- (6) The broad package also includes State aid protocols to the Agreement on Air Transport and to the Agreement on Carriage of Goods and Passengers by Rail and Road in order to guarantee a level playing field for Switzerland's participation in the internal market in the areas covered by those agreements. Pursuant to those protocols, Switzerland is to apply substantive and procedural rules, including surveillance and enforcement mechanisms, equivalent to those which apply within the Union.
- (7) The broad package also includes an amending protocol to the Agreement on Trade in Agricultural Products in order to update that agreement's dispute settlement mechanism in line with established practice in trade agreements to which the Union is a party.
- (8) A separate protocol to the Agreement on Trade in Agricultural Products is included in the broad package in order to establish a common food safety area covering all dimensions of the food chain. That protocol includes the institutional provisions which are common to all agreements in fields related to the internal market in which Switzerland participates.
- (9) The Agreement on Electricity included in the broad package lays down the rules and conditions under which Switzerland can participate in the internal electricity market. That Agreement includes the institutional provisions which are common to all agreements in fields related to the internal market in which Switzerland participates as well as rules on State aid which are almost identical to those which apply in the areas of air and land transport.

- (10) The Agreement on Health included in the broad package aims at strengthening cooperation between the Union and Switzerland regarding serious cross-border threats to health and applies, by analogy, the institutional provisions which are common to the agreements in the fields related to the internal market in which Switzerland participates. That Agreement is linked to Switzerland's participation in the Programme for the Union's action in the field of health ('EU4Health Programme').
- (11) The Agreement on Cohesion included in the broad package establishes the legal basis and lays down the parameters for Switzerland's regular financial contribution, within the framework of the broad package, to the reduction of economic and social disparities in the Union. That Agreement includes a dispute settlement mechanism. In cases of non-compliance with an arbitral ruling, the Agreement provides for proportionate compensatory measures to be adopted in any of the agreements to which the broad package relates.
- (12) The Agreement on EUSPA included in the broad package lays down the conditions under which Switzerland can participate in the work of the EUSPA.
- (13) Identical provisions in the institutional protocols and new agreements included in the broad package are to ensure Switzerland's financial contribution to the costs of the information systems and Agencies in which it participates.

- (14) The Protocol on Parliamentary Cooperation establishes a Joint Parliamentary Committee as a forum for dialogue and debate between members of the European Parliament and the Swiss Federal Assembly with a view to furthering the mutual understanding of and reflection on the broader EU-Switzerland relationship, including its possible further development.
- (15) The agreements and protocols included in the broad package constitute a coherent whole and lay down the architecture of a reinforced and comprehensive partnership in a broad range of areas covered by the Treaties, based on an appropriate balance of rights and obligations. This Decision should therefore be based on the substantive legal bases provided in the Treaty on the Functioning of the European Union for the establishment of an association involving reciprocal rights and obligations, common action and special procedure.
- (16) With the aim to increase the breadth of their cooperation, the EUSPA Agreement provides that the Parties shall apply it provisionally, in accordance with their respective internal procedures and legislation, as from 1 January 2026, if the date of signature of that Agreement is before 1 July 2026, or as from 1 January of the year following its signature, if the date of signature of that Agreement is after 30 June 2026. That Agreement should therefore be applied provisionally, pending its entry into force.
- (17) The signing of the Agreement on Union Programmes is the subject of separate procedures.

- (18) The signing of the Joint Declaration by the European Union and the Swiss Confederation on the establishment of a high-level dialogue on the broad bilateral package and the possible further development of the bilateral relations between the European Union and Switzerland on behalf of the European Union should be approved.
- (19) The agreements and protocols included in the broad package should be signed on behalf of the Union and the joint declarations accompanying those agreements and protocols should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the following agreements and protocols is hereby authorised subject to their conclusion⁷:

- (a) Amending Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons;
- (b) Institutional Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons;
- (c) Amending Protocol to the Agreement between the European Community and the Swiss Confederation on air transport;
- (d) Institutional Protocol to the Agreement between the European Community and the Swiss Confederation on air transport;
- (e) State Aid Protocol to the Agreement between the European Community and the Swiss Confederation on air transport;

⁷ The texts of the agreements and protocols will be published together with the decision on their conclusion. However, the Agreement on EUSPA will be published together with this Decision on signing.

- (f) Amending Protocol to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road;
- (g) Institutional Protocol to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road;
- (h) State Aid Protocol to the Agreement between the European Community and the Swiss confederation on the carriage of goods and passengers by rail and road;
- (i) Amending Protocol to the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment;
- (j) Institutional protocol to the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment;
- (k) Amending Protocol to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products;
- (l) Protocol to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products establishing a common food safety area;
- (m) Agreement between the European Union and the Swiss Confederation on electricity;
- (n) Agreement between the European Union and the Swiss Confederation on health;

- (o) Agreement between the European Union and the Swiss Confederation on Switzerland's regular financial contribution towards reducing economic and social disparities in the European Union;
- (p) Agreement between the European Union and the Swiss Confederation on the terms and conditions for the participation of the Swiss Confederation in the European Union Agency for the Space Programme;
- (q) Protocol between the European Union and the Swiss Confederation on parliamentary cooperation.

Article 2

1. The signing of the Joint Declaration by the European Union and the Swiss Confederation on the establishment of a high-level dialogue on the broad bilateral package and the possible further development of the bilateral relations between the European Union and Switzerland is hereby approved⁸.

⁸ The Declaration is published in OJ L, ..., ELI: ...

2. The following joint declarations accompanying agreements and protocols referred to in Article 1 of this Decision are hereby approved:

- (a) the joint declarations accompanying the amending protocol referred to in Article 1, point (a), of this Decision⁹, namely:
 - (i) Joint Declaration on Union citizenship;
 - (ii) Joint Declaration on preventing and acting against abuse of rights conferred by Directive 2004/38/EC;
 - (iii) Joint Declaration on refusing social assistance and terminating residence prior to the acquisition of permanent residence;
 - (iv) Joint Declaration on the notification of the taking up of employment;
 - (v) Joint Declaration on the Convention of the Recognition of Qualifications;
 - (vi) Joint Declaration on job vacancies;
 - (vii) Joint Declaration on common objectives regarding the freedom to provide services up to 90 working days and ensuring posted workers' rights;
 - (viii) Joint Declaration on effective control systems including Switzerland's dual enforcement system;

⁹ The Declarations are published in OJ L, ..., ELI: ...

- (ix) Joint Declaration on the principle of ‘Equal pay for equal work in the same place’ and on a proportionate and adequate level of protection of posted workers;
 - (x) Joint Declaration on the participation of Switzerland in the activities of the European Labour Authority;
 - (xi) Joint Declaration on the declaratory registration system of frontier workers;
 - (xii) Joint Declaration concerning the inclusions of two EU legal acts in Annex I to the Agreement;
- (b) the joint declaration accompanying the State aid protocol referred to in Article 1, point (e), of this Decision¹⁰;
 - (c) the joint declaration accompanying the amending protocol referred to in Article 1, point (f), of this Decision¹¹;
 - (d) the joint declaration accompanying the State aid protocol referred to in Article 1, point (h), of this Decision¹²;
 - (e) the joint declaration accompanying the agreement referred to in Article 1, point (m), of this Decision¹³.

¹⁰ The Declaration is published in OJ L, ..., ELI: ...

¹¹ The Declaration is published in OJ L, ..., ELI: ...

¹² The Declaration is published in OJ L, ..., ELI: ...

¹³ The Declaration is published in OJ L, ..., ELI: ...

3. The Council takes note of the following declarations by Switzerland:
- (a) Declaration by Switzerland on measures to be taken in respect of self-employed persons in the context of the notification procedure for work-related short-term stays accompanying the amending protocol referred to in Article 1, point (a), of this Decision¹⁴;
 - (b) Declaration by the Swiss Confederation regarding the inclusion of the institutional elements by analogy in the Agreement on Health accompanying the agreement referred to in Article 1, point (n), of this Decision¹⁵.

Article 3

Subject to reciprocity, the agreement referred to in Article 1, point (p), of this Decision shall be applied provisionally in accordance with Article 15(3) of that agreement¹⁶.

¹⁴ The Declaration is published in OJ L, ..., ELI: ...

¹⁵ The Declaration is published in OJ L, ..., ELI: ...

¹⁶ The date from which the Agreement will be provisionally applied will be published in the Official Journal.

Article 4

This Decision shall enter into force on the day of its adoption.

Done at ..., ...

For the Council

The President
