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Agreement on agriculture and food safety

Overview

Trade in food and agricultural products between Switzerland and the EU is worth more than CHF 16 billion every year. The EU is Switzerland's main trading partner. Agricultural products provide a clear illustration of this: 51% of Swiss exports in this sector go to the EU, while 73% of imports originate from the EU (2024 figures).

Counterfeit or contaminated foodstuffs that are unsafe and hazardous to health sometimes end up on the market. Switzerland and the EU want to work more closely together to minimise the risks. The aim is to create a common food safety area that encompasses all plant and animal health-related and legislative aspects of food safety along the food supply chain, covering the majority of trade in agricultural products with the EU.

The 1999 Agreement on Trade in Agricultural Products (Agricultural Agreement) has been extended to include food safety aspects, strengthening consumer protection and allowing Switzerland to participate in the EU internal market by removing non-tariff trade barriers. Specific exemptions ensure that standards applicable in Switzerland will not be lowered, particularly those relating to animal welfare and genetically modified organisms.

Swiss and EU agricultural policies will not be harmonised; existing Swiss border protection for agricultural products remains unchanged.

Key features of the agreement

The 1999 Agricultural Agreement is now divided into two parts: one on agriculture, which is not subject to the dynamic adoption of EU legislation, and one on food safety, which is now regulated by a specific protocol and is subject to dynamic adoption. This protocol aims to improve food safety in the EU and Switzerland along the entire food supply chain by creating a common food safety area. This will also give Switzerland the desired access to the European Food Safety Authority (EFSA) and the relevant EU networks, and Switzerland will now be included in the EU system for the authorisation of plant protection products.

Existing exemptions, such as the ban on animal transit, remain in place and new exemptions have been negotiated, notably on animal welfare and genetically modified organisms. The negotiators achieved more than originally sought, ensuring that the obligation to indicate the country of origin of foodstuffs sold in Switzerland remains in place.

The common food safety area encompasses the following aspects of the existing Agricultural Agreement: plant health (Annex 4), animal feed (Annex 5), seeds (Annex 6) and trade in live animals and animal products, including food products of animal origin (common veterinary area; Annex 11), and will now also regulate trade in non-animal foodstuffs and the authorisation of plant protection products.

The part of the agreement relating specifically to agriculture will still comprise Annexes 1–3 (reciprocal tariff concessions and free trade in cheese), 7 (wine sector), 8 (spirits), 9 (agricultural products and foodstuffs from organic production), 10 (recognition of conformity checks for fresh fruit and vegetables to marketing standards) and 12 (protection of designations of origin and geographical indications for agricultural products and foodstuffs). These annexes continue to apply as before and are not subject to the dynamic adoption of EU law. An arbitration panel

will be set up to deal with disputes in relation to these annexes, but without the involvement of the Court of Justice of the European Union (CJEU).

In addition, there is special protection for the agricultural part of the agreement. In principle, if an internal market agreement is breached, countervailing measures can be taken across any area covered by the internal market agreements. However, this does not apply to the agricultural part of this agreement. Any countervailing measures in this area may only be taken if the Agricultural Agreement itself is violated (either the agricultural part or the Food Safety Protocol). The Agricultural Agreement is protected against countervailing measures taken when other internal market agreements are violated.

Switzerland and the EU remain free to shape their own agricultural policies. Existing border protections (including customs duties and quotas) will also remain in place.

Implementation in Switzerland

Under the Food Safety Protocol, EU food safety legislation becomes incorporated into the Swiss legal system by a decision of the Joint Committee – i.e. with the explicit consent of Switzerland – and can now be applied directly. This means that the Swiss legislation affected will be amended accordingly, above all to avoid duplication. Furthermore, clarifications are required in Swiss legislation where EU law is not sufficiently specific to be applied directly.

The Food Safety Protocol will give Swiss experts the opportunity to provide input in the EU legislative process for the fields it covers (*decision shaping*). For information on the involvement of Parliament, the cantons and other interested parties (in particular industry and consumer protection associations) in *decision shaping*, see the factsheet on institutional elements. Moreover, Swiss experts will be able to participate directly and actively in EFSA's work. As a result, Switzerland can actively represent its interests and can raise any concerns it may have at early stage.

Importance for Switzerland

The agreement offers significant benefits for the Swiss food industry, plant and animal health and the protection of consumers in Switzerland.

The creation of a common food safety area and access to EFSA and EU early warning and cooperation systems will enable Switzerland to identify and mitigate risks in the food supply chain more effectively (e.g. warnings about foodstuffs, pet food or animal feeds that pose a risk to health).

The removal of non-tariff trade barriers in the common food safety area will facilitate access to the EU market for Swiss farmers and food producers.

During the negotiations, Switzerland additionally secured significant exemptions that allow it to maintain its high standards on issues such as animal welfare and the regulation of genetically modified organisms.

Switzerland remains free to shape its own agricultural policy. The adjustments to the Agreement on Agriculture have no impact on customs duties on agricultural products, quotas or their management. Existing border protections therefore remain unchanged. Furthermore, Switzerland continues to decide independently on its direct payment system, which takes into account the country's special features, such as steep slope payments in mountain farming.

Practical application

- **Food Safety** Many people still remember the scandal surrounding horsemeat in lasagne in 2013. At the time, EU food controls discovered undeclared horsemeat instead of beef in

ready-made lasagne products. These were recalled from the shops as a result. Switzerland was also affected. While EU member states were informed quickly thanks to the warning systems in place, Switzerland learnt about the issue via the media after some time had passed. The new Food Safety Protocol gives Switzerland full access to the EU's rapid alert systems. This means that Switzerland is informed at the same time as EU member states and can react more quickly to incidents such as incorrectly labelled products or hazardous substances in food.

- **Swiss priorities:** A healthy diet and regional food are important to the Swiss public. The high Swiss animal welfare standards and strict safety requirements for genetically modified organisms (GMOs) are particularly valued. The Food Safety Protocol respects these Swiss priorities. GMO foods authorised in the EU are not automatically authorised in Switzerland. An authorisation procedure in accordance with Switzerland's strict safety criteria is still in place. For example, while several varieties of genetically modified rapeseed are authorised in the EU for the production of foodstuffs (e.g. rapeseed oil), none are permitted in Switzerland. Switzerland also maintains its strict animal welfare requirements; its higher animal husbandry standards continue to apply.