## State of affairs and developments

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State of affairs and developments

What is the current status of the UK–EU negotiations?

Following the referendum in the United Kingdom (UK) on withdrawal from the European Union (EU), known as 'Brexit', in June 2016, the British government formally notified the EU of its withdrawal decision on 29 March 2017. Following long and difficult negotiations and several extensions of the withdrawal date, in October 2019 the British government and the EU reached an agreement on the terms of an orderly withdrawal by 31 January 2020 and on a political declaration setting out the parameters of future relations.

The withdrawal agreement received parliamentary approval from both sides in January 2020, allowing the UK to formally withdraw from the EU at the end of January 2020. The agreement provides, in particular, for a transition period until 31 December 2020, which may be extended by one or two years, subject to both parties' agreement. During this transition period, the UK will remain part of the EU single market and customs union (but without codecision rights). The EU and the UK are also engaged in negotiations on their future relations. If they fail to reach an agreement by the end of December and the transition period is not extended in time (no-deal in regard to future relations), relations between the EU and the UK will be solely governed by the existing rules of international law (trade relations, for example, would fall under WTO rules).

What are the consequences of the UK's withdrawal from the EU for Switzerland?

Relations between Switzerland and the UK have so far largely been governed by the bilateral agreements between Switzerland and the EU. With the UK's withdrawal from the EU, the bilateral agreements cease in principle to apply to Swiss-UK relations and will have to be replaced by new agreements in the longer term.

In order to safeguard as far as possible and, where appropriate, to extend in certain areas the existing mutual rights and obligations with the UK on the basis of a new legal framework after the UK withdrew from the EU, the Federal Council adopted its Mind the Gap strategy early on, in October 2016. On 25 April 2018, the Federal Council clarified this strategy, deciding that the possibility of temporarily continuing third-country agreements within the framework of an EU-UK transition period should also be applicable to Swiss-UK relations. This is what has now happened. The EU and Switzerland have exchanged notes formally confirming that the bilateral agreements between Switzerland and the EU will continue to apply during the transition period. The bilateral agreements between Switzerland and the EU will therefore continue to apply to relations between Switzerland and the UK until the end of the transition period on 31 December 2020 (subject to a possible extension).

In order to ensure as far as possible that the existing mutual rights and obligations will continue after Brexit, Switzerland has drawn up new agreements with the UK which will come into effect when the bilateral agreements between Switzerland and the EU no longer apply to the UK. This means that the substantive provisions of the agreements between Switzerland and the EU will be retained with respect to the UK. On the Swiss side, this work was and continues to be coordinated by an interdepartmental steering group headed by the Directorate for European Affairs. On the UK side, work will continue to be coordinated by the Department for Exiting the European Union until its closure at the end of January 2020.

What is Switzerland's strategy regarding the UK?

In October 2016, the Federal Council adopted the 'Mind the Gap' strategy aimed at ensuring as far as possible the maintenance of mutual rights and obligations in all areas that currently link Switzerland and the UK. Since then the Federal Council has been closely following developments between the EU and the UK.

Against this backdrop, the two countries have signed agreements covering trade, transport, migration and insurance, and defined appropriate contingency measures in other areas. All of them contain a clause stipulating that the new agreement will apply from the date on which the bilateral agreements between Switzerland and the EU cease to apply to the UK, meaning at the end of the transition period. During the transition period, the bilateral agreements between Switzerland and the EU will continue to apply to Swiss–UK relations.
In anticipation of the end of the transition period, measures have also been put in place in areas in which no new agreements are necessary (e.g. data protection and police and other law enforcement cooperation). Here too, the aim is to ensure legal continuity.

Switzerland will continue to work on its future relations with the UK as part of its Mind the Gap strategy. The main aim is to work with the UK to close any remaining legal gaps where possible. In particular, legal gaps remain in areas subject to domestic political decisions in the UK and/or the future relationship between the UK and the EU. If the UK and the EU fail to reach an agreement to harmonise certain regulations, it may prove impossible to completely close the legal gaps in some areas.

In addition to ensuring continuity, Switzerland is also considering a possible further development of relations with the UK (Mind the Gap+). The Federal Council is currently exploring areas where there may be enhanced cooperation and the two countries may have common interests post Brexit. The trade agreement already specifies that Switzerland and the UK will hold exploratory talks following Brexit in order to replace, update or further develop the agreement. Furthermore, in July 2019 Switzerland and the UK signed a memorandum of understanding on strengthening police cooperation and combating and preventing crime and terrorism, in which the two countries declared their shared ambition to explore more formal arrangements to further strengthen cooperation.

### Negotiated agreements

**What have Switzerland and the UK negotiated in terms of business and trade?**

On 11 February 2019, Federal Councillor Guy Parmelin and the UK Secretary of State for International Trade, Liam Fox, signed a new trade agreement in Bern. This agreement essentially replicates the bulk of existing economic and trade agreements between Switzerland and the EU (e.g. the 1972 Switzerland–EU Free Trade Agreement), and provides scope for future exploratory talks on developing further ties between Switzerland and the UK. The agreement does not cover any matters that require harmonisation or recognition of equivalence of rules between the parties. The trade agreement must be approved by the Swiss Parliament. It was submitted to Parliament with the corresponding Federal Council dispatch. If the parliamentary approval procedures are not completed by the end of the transition period, the agreement will apply provisionally.

The foreign affairs committees of the National Council and the Council of States were consulted in January and February 2019 in accordance with the Parliament Act and unanimously approved this course of action.

- [Text of the trade agreement, 11.02.2019](#)
- [State Secretariat for Economic Affairs SECO](#)
- [Federal Customs Administration FCA](#)

**What are the consequences of the UK’s withdrawal from the EU for Swiss and UK citizens residing in the other country?**

Regarding the movement of persons, a key concern of the Federal Council was that in the event of the Agreement on the Free Movement of Persons (AFMP) ceasing to apply to the UK, Swiss nationals residing in the UK at that time should retain their acquired rights under Article 23 of the AFMP. On 25 February 2019, Switzerland and the UK signed an agreement to this effect. Swiss nationals who were already resident in the UK prior to Brexit will therefore retain the rights acquired under the AFMP, including residence rights, social security entitlements and the recognition of professional qualifications. Reciprocal conditions will apply to UK citizens in Switzerland.

- [Text of the agreement on citizen's rights, 25.02.2019](#)
- [FAQ of the State Secretariat for Migration SEM](#)
- [FAQ of the Embassy of Switzerland in the UK](#)
- [State Secretariat for Migration SEM](#)
- [Federal Social Insurance Office FSIO](#)
- [State Secretariat for Education, Research and Innovation SERI](#)
- [Portal on the free movement of persons (de, fr, it)](#)
What are the consequences of the UK's exit for Swiss and UK citizens who want to work in the other country?

On 10 July 2019 Switzerland and the UK signed an agreement on admission to their respective labour markets which was to enter into force if the Agreement on the Free Movement of Persons (AFMP) ceased to apply in the event of a disorderly EU withdrawal (no deal). For a temporary transitional period, this agreement would have eased admission for UK citizens wishing to work in Switzerland and vice versa. However, as the existing provisions of the AFMP continue to apply to relations between Switzerland and the UK for as long as the transition period lasts, this agreement will now not enter into force and will not be applied.

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What has been negotiated in the field of social security in the event that the Agreement on the Free Movement of Persons ceases to apply?

One of the areas governed by the Agreement on the Free Movement of Persons (AFMP) is the coordination of individual national social security systems. To prepare for the eventuality of the UK's disorderly departure from the EU (no deal) and ensure that the rights with regard to social security of citizens wishing to take up employment the other country would be maintained in the event of a no-deal Brexit, Switzerland and the UK signed a temporary agreement on the coordination of social security on 31 October 2019. As the existing provisions of the AFMP continue to apply to relations between Switzerland and the UK for as long as the transition period lasts, this agreement will now not enter into force and will not be applied.

The aim of the agreement was to ensure that in the event of a disorderly withdrawal, persons from Switzerland, the UK or an EU member state wishing to work in Switzerland or the UK would enjoy the same protections as under the AFMP. An agreement on citizens’ rights signed by Switzerland and the UK in February 2019 guarantees that Swiss citizens already resident in the UK at the time of Brexit will retain all rights acquired under the AFMP (see above).

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What has been negotiated in the areas of air and road transport?

Federal Councillor Doris Leuthard and UK Transport Minister Chris Grayling signed an air transport agreement on 17 December 2018 in Zurich. The agreement ensures that existing air traffic rights will continue to apply. There are currently around 150 flights a day between Switzerland and the UK, which underscores the importance of the air transport agreement.

In addition, the President of the Confederation, Ueli Maurer, and the British Ambassador to Switzerland, Jane Owen, signed a road transport agreement on 25 January 2019 in Davos. The new agreement ensures that carriers will continue to be exempted from obtaining permits in order to transport goods between Switzerland and the UK and that mutual access to the road networks for the transport of goods or passengers will be maintained. The agreement still prohibits cabotage, i.e. the transport of goods or passengers within the territory of the other state.
What has been negotiated in the area of insurance?

The President of the Confederation, Ueli Maurer, and the UK Chancellor of the Exchequer, Philip Hammond, signed an insurance agreement on 25 January 2019 in Davos. The agreement will ensure the seamless continuation of the existing rules in the direct insurance sector. Like the insurance agreement with the EU, it will enable non-life insurance companies (e.g. household, motor vehicle, travel, liability insurers) to establish and operate branches in a country of the other party to the agreement.

What has been undertaken in other areas?

No action is currently needed in the area of data protection.

Data protection

- Cross-border data transfers
- Federal Data Protection and Information Commissioner FDIC

In the area of police and other law enforcement cooperation, Switzerland and the UK signed a Memorandum of Understanding on 10 July 2019.

Police and other law enforcement cooperation

- MoU on Strengthening Police and other Law Enforcement Cooperation, 10.07.2019