

Strategy of the SP for Swiss European Policy

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Abstract

Swiss isolationism is unthinkable for the SP. As Social Democrats, we have a European self-understanding that is embedded in the historical project of freedom and peace that European integration represents. For this reason, we have always been committed to good and stable relations between Switzerland and the European Union (EU), and we have always supported intermediate steps with sectoral bilateral agreements as compromises.

Today it is clear: without an institutional framework over the bilateral agreements, the bilateral path remains blocked. The European Commission is no longer willing to update existing market access agreements or conclude new ones. Equally blocked are Switzerland's opportunities for participation in EU programs (e.g. Horizon Europe or Erasmus+), which are negotiated in seven-year cycles. Institutional questions therefore need to be clarified in order to unblock the bilateral agreements as quickly as possible.

This European strategy proposes to urgently resume negotiations with the EU and to divide them into three phases:

1. **First phase:** negotiation of a five-year stabilization agreement, regulating participation in cooperation agreements and an expansion of Swiss cohesion contributions.
2. **Second phase:** based on this temporary stabilization agreement, negotiations should be pursued from 2023 onwards for an **Association Agreement**, which would regulate access to the internal market and the institutional questions involved. For domestic legitimacy, the framework conditions for this association should be set out in a European Law. This "association" – essentially an economic and cooperation package – represents a necessary development and re-labeling of the previous "bilateral path."
3. **Third phase:** on the basis of then stable relations, accession negotiations should be taken up. For the SP it is clear that a well-negotiated EU accession remains the best option. The advantages of accession clearly outweigh the disadvantages, provided that the conditions formulated in this paper are met. Switzerland would be able to participate in decision-making where European and Swiss policy for the 21st century is shaped, and thus contribute – with rights and obligations – to the European project of peace and integration. In addition, it would benefit from more progressive European policies in many areas. At the same time, accession must be carefully negotiated, particularly regarding wage protection, public

services, and direct democracy, so that Swiss achievements can be preserved and further developed.

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As Social Democrats, we are committed on all continents to a system that enables freedom, equality and prosperity for all people, and in which states cooperate peacefully and on the basis of international law. Together with our sister parties of the Progressive Alliance (PA) and the Party of European Socialists (PES), as well as with other progressive forces, the SP Switzerland is committed to curbing the power of capital and re-establishing the primacy of democratic politics. The principles of international solidarity and rule-based multilateralism guide our foreign policy. That is why we have always supported Switzerland's accession to the United Nations and still call today for stronger international engagement by Switzerland. The UN Sustainable Development Goals (SDGs) are for us non-negotiable guidelines of Swiss foreign policy.

As Swiss Social Democrats, we have a European self-understanding that is embedded in the historical project of freedom and peace that European integration represents. The fact that peace, prosperity, and democracy shape the current situation in Switzerland is not only due to Swiss domestic policy but also to the existing European framework.

The project of European integration arose in particular from the desire to free the continent from the nationalist and imperialist conflicts that had led to the two World Wars. On the territory of the European Union (and its predecessor organizations), no international armed conflict has taken place since its founding. After the fall of the Berlin Wall and the collapse of the Soviet Union, European integration also strengthened the principles of rule of law and democracy in the eastern countries of the continent. Despite ongoing crises and inequalities, these achievements have persisted. They are owed to the process of political integration of Europe.

Politics increasingly takes place at international and supranational levels. In an ever more economically interconnected world, the scope of action of nation-states is shrinking, though not entirely disappearing. There will continue to be political fields that are decided nationally. But this is no argument to reject European integration in the policy areas beyond the nation-state, or even actively contribute to weakening collective solutions through "non-commitment" with other states. To make a real contribution to addressing the great challenges of our time – social inequality, the climate catastrophe, digitalization, and the preservation of peace and democracy – our social democratic perspective must therefore be a global one.

This applies all the more since the world has become an unpredictable place at the latest since the early 1990s. China's rise to a world power is a huge challenge for democracy, as are the autocratic regimes on the borders of our continent. For example, the human rights violations in Turkey under the Erdoğan regime, in Belarus under the Lukashenko regime, and in Russia under the Putin regime can under no circumstances be justified.

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But even U.S. democracy appears to be in a phase of instability, despite the election defeat of Donald Trump: the U.S. electoral system increasingly restricts minority access to elections through so-called gerrymandering, a disturbing racist and misogynist discourse has become socially acceptable, and the substantial influence of big capital on U.S. democracy remains highly problematic. Global instability has also been exacerbated by around 15 U.S. military interventions

since 1980, several of them without a basis in international law. With its share of nearly 40% of global military expenditure and over 700 military bases in more than 45 countries, the U.S. bears particular responsibility for escalation or de-escalation of conflicts.

These worrying developments have various causes. One of them is the illusion that extending market logic to the whole world would automatically lead to more peace and democracy. This phase in the history of capitalism, however, has above all accelerated the rise of China and its authoritarian social model. It has also weakened the wage-dependent classes in Western democracies, increased inequality, and accelerated the ecological destruction of the planet. These developments have put democracies under pressure and created fertile ground for anti-democratic and far-right forces, including in Europe.

From a global perspective, however, it can also be noted that stronger economic interconnectedness has tended to strengthen international cooperation in the search for solutions to cross-border problems. In Europe and worldwide, awareness has grown that many problems can no longer be solved by individual states alone.

A social, democratic, and ecological Europe that moves away from the illusions of an all-powerful market is a decisive bulwark against the dangerous developments of globalization and against old and new imperialisms. It is therefore the responsibility of social democracy across the continent to strengthen the political project of European integration by breaking with the neoliberal model and pushing through a social and ecological reform agenda for all of Europe.

Despite its imperfections, Switzerland is an example of the success of a polity in which a strong democratic claim and respect for extensive local autonomies coexist alongside the integration of semi-sovereign cantons into a federal state. As Swiss Social Democrats, we want to bring this history and federalist culture into the process of European integration to strengthen European federalism.

The future of Switzerland depends to a great extent on the future of Europe, and that in turn depends on the success of European integration. Thus, Europe is the extension of our political home. Swiss isolationism is unthinkable for the SP. That is why we have always worked for good and stable relations with the EU and its member states. But given the current blockade, what is needed is a European policy that goes beyond good relations. It is no longer enough to remain stuck in Swiss “special-case thinking” and merely ensure that Switzerland somehow arranges itself with the EU. We want to finally be able to co-decide where policy in Europe is being made in the 21st century. We want to help shape a peaceful, democratic, social, and ecological Europe – in the interest of all people on both sides of the border. We want to help from within to ensure that the EU develops even more strongly into a political project where democracies cannot be played off against one another by superpowers or large corporations. Our goal is therefore – as enshrined in the party program and confirmed at the party congress of 28 August 2021 – a well-negotiated EU accession of Switzerland.

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European integration was from the beginning a project that, for reasons of peace policy, developed strongly in its economic dimension. But it is a myth to claim that this was not accompanied by a political dimension. From the European Coal and Steel Community (1952), the European Economic Community (EEC) and the European Atomic Energy Community (both 1958), regular meetings of foreign ministers developed from 1959 onwards to deepen international political questions and to develop common positions. In 1993, the Maastricht Treaties created the European Single Market. Since then, the federal balance between the European Union, its member states, and the regions has repeatedly been a central point of discussion in the EU's further development.

2.1 Internal Market and Freedom of Movement

The foundation of the Single Market created in 1993 is the four freedoms: free movement of goods, freedom to provide services, free movement of capital and payments, and freedom of movement for people. While the first three freedoms are purely economic in nature, the freedom of movement for people is also a fundamental freedom right of European citizens. It grants all Europeans the right to settle anywhere in Europe and to enjoy the same rights on the labor market of every country as the domestic population. With the freedom of movement, cross-border mobility has become a fundamental right for all with the appropriate EU/EFTA passport or with a residence permit in an EU state.

At the same time, however, freedom of movement and cross-border freedom to provide services, if not accompanied by protective policies for good wages and fair working conditions, increase competition in labor markets and intensify downward pressure on wages. In itself, European freedom of movement is a social achievement – but without accompanying labor market and social policies it can exacerbate inequalities and social problems.

The development of an actual social policy at the European level was pursued only from the end of the 1980s with intensified integration. However, this development in recent decades was anything but linear. For simplification, it can be divided into three periods: the “social period” (1997–2005), the period of social setbacks (2005–2015), and the period of the revival of the social dimension of the EU (2015 to today).

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2.2 Social Progress and Setbacks

The years 1997–2005 are often referred to as the EU's “social period.” This period was shaped by a special context. First, with the accession of Finland, Sweden, and Austria in 1995, three wealthy net contributors with strong welfare models joined the EU. Second, between 1997 and 2003, the majority of EU member states were governed by social democratic governments, either alone or in coalition with other parties. The combination of these two factors made progress possible in areas such as parental leave, part-time work, fixed-term contracts, anti-discrimination policy, and occupational health and safety. Another milestone of this period was the proclamation in 2000 of the EU Charter of Fundamental Rights, which was incorporated in 2009 into the Treaty of Lisbon (the last revision of the EU treaties to date). On the other hand, this was also the period when central

decisions were made to liberalize public services in electricity, public transport, and postal services, even if it took a long time for these to be implemented.

At the end of this period, the social dimension of Europe came under pressure for various reasons, leading to the period of social setbacks from 2005–2015. First, with the large EU enlargement to Central and Eastern European countries (2004, 2007, and 2013), thirteen new member states joined that had a great need for economic catching-up. The second factor was the global financial crisis that began in 2007/2008 and quickly turned into a sovereign debt crisis in many EU member states. It now became evident that the monetary union had not been supplemented by parallel coordination of economic and fiscal policies. Third, social democratic parties and other left forces lost elections and were increasingly squeezed in national parliaments and governments as well as in the European Parliament by conservative, liberal, and right-populist parties.

The losses of the social democratic group in the European Parliament in 2004 and 2009 meant that the second Barroso Commission (2010–2014) was very right-leaning: only six of the 27 commissioners were social democrats. While the EU's neoliberal policy during the financial crisis aimed at stabilizing the euro, member states came under massive pressure to reduce public spending, with social policy usually the first victim. In the crisis countries Greece, Ireland, Portugal, and Cyprus, the so-called "Troika" consisting of the EU Commission, the European Central Bank (ECB), and the International Monetary Fund was imposed, largely overriding the democratic right to self-determination of millions of people – without legal or democratic legitimacy or oversight.

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The ECB simultaneously promoted structural reforms in all financially troubled states, guided by austerity imperatives and often clashing with people's needs for higher public spending on social programs or investments for the modernization of economies. The ECB's recommendations were also often linked to demands for liberalization and deregulation of labor markets. The devastating social and economic impacts of this neoliberal austerity policy are well known.

At the same time, in this new economic and political context, the European Court of Justice (ECJ) began to call into question one of the fundamental principles of European freedom of movement for persons, and with it the social element of the internal market: equal treatment between permanent workers and posted workers from other member states (the "on-site principle": equal pay for equal work at the same place). In four landmark rulings (Laval and Viking in 2007; Rüffert and Luxembourg in 2008), the ECJ gave market freedoms precedence over equality of all workers. These cases in effect allowed social dumping within a country between workers of different origins. From a political perspective, it must be stated that this series of judgments undermines the social credibility of the European Union to this day.

In response to justified criticism from trade unions and legal scholars, the ECJ adjusted its case law in 2015 (Elektrobudowa; Regiopost), without, however, discarding the principle from Viking and Laval – namely that collective actions by workers must respect companies' rights of free movement in the internal market. Since then, the Posting of Workers Directive has been revised, and with it protection against social dumping has been strengthened. The EU's commitment to adequate social protection is now given greater weight. The social objectives of the EU now also apply to the regulation of the internal market and free movement of services.

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2.3 Revival of Social Policy and Failure in Migration Policy

With Jean-Claude Juncker's presidency, the EU's social dimension was revived. The Juncker Commission deliberately responded to the rise of right-wing and partly far-right parties in many EU member states. In a speech before the European Parliament in October 2015, Commission President Juncker stated his goal that the EU should achieve a "social Triple-A rating."

In the period immediately after the financial crisis, dominated largely by Brexit discussions, Juncker promised a revival of the EU's social dimension and delivered it, above all with the solemn proclamation of a European Pillar of Social Rights (EPSR) in November 2017. The EPSR can be seen as a social turning point for the EU, as it empowered the Commission to develop a new EU social agenda with 20 objectives covering equal opportunities and access to the labor market, fair working conditions, as well as social protection and social inclusion. This led to the adoption of several socially progressive EU directives (on work-life balance and transparent working conditions), the creation of a European Labour Authority, and a Council recommendation on access to social protection for workers and the self-employed.

Following the agreement reached in June 2022 between the European Parliament and EU member states, there will soon be minimum wages in the EU, which will lead to substantial wage increases for 24 million workers. The new directive also aims to strengthen collective bargaining between social partners in the member states.

With the revision of the Posting of Workers Directive, the on-site principle of "equal pay for equal work at the same place" finally became a legal obligation. This is an important step forward, as it restricts the freedom to provide services in favor of better social protection for posted workers. The ECJ has confirmed this change in a landmark ruling on the legality of the revised Posting Directive. How this will play out in concrete disputes cannot yet be assessed precisely, since a set of criteria is lacking for how the ECJ will interpret the principles of proportionality and non-discrimination in balancing free movement of services with social protection.

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Alongside the welcome revival of the social dimension, the EU has, from a social democratic perspective, developed in the wrong direction in migration policy. Despite the glaring problems revealed during the so-called "refugee crisis" of 2015, the EU remains unable to reform its inhumane asylum and refugee policy. The member states, including associated Switzerland, have failed to implement the Dublin system in such a way that refugees could choose their destination while ensuring a fair distribution among member states.

Even though the EU Commission has spoken out against human rights violations at the EU's external borders, it has so far failed to eliminate the systemic perverse incentives of countries like Greece or Croatia to deny refugees their asylum rights. The structure of the Dublin system still creates incentives for countries at the EU's external border to prevent refugees from entering in the

first place. Shameful agreements with neighboring countries – for example with Turkey – are no solution to these wrong incentives, but merely serve to block the route of refugees into Europe.

With the Migration Pact presented in autumn 2020, the EU Commission tried to resolve the political deadlock through a compromise, but once again failed with the member states. Even if, given the catastrophic conditions at the EU's external borders, it is almost unimaginable, it must be assumed that a renationalization of migration policy would lead to even worse outcomes. In such a case, for example, there would hardly be any pressure left to maintain minimum standards regarding human rights violations at the Greek, Hungarian, or Croatian borders – pressure that still exists today.

Especially in migration policy, the principle holds true: what is needed is not less but more and, above all, a fundamentally different kind of European cooperation! How the humanitarian crisis triggered by Putin's aggression in Ukraine, with millions of refugees, will impact European migration policy cannot yet be assessed at this point.

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2.4 Keynesian Crisis Policy as a Turning Point

The EU Commission under Ursula von der Leyen has so far been unable to reform asylum and refugee policy but has continued the social policy efforts of the Juncker years. The European Pillar of Social Rights is understood as the overarching framework for the three important transitions the EU faces: the transition to climate neutrality, harnessing digitalization in the interest of people, and managing demographic change.

These progressive priorities of the “von der Leyen Commission,” however, were overshadowed after only a few months by the COVID pandemic and, more recently, by the war in Ukraine.

In Europe, many things initially went wrong at the outbreak of COVID-19, when the two most important countries displayed selfish reflexes. In early March 2020, France seized medical protective clothing and masks, after which Germany banned exports of such goods. Border closures led to kilometer-long traffic jams at the German-French border. Supermarkets feared empty shelves. National protective reflexes created a situation in which everyone could only lose.

Thanks to the energetic intervention of the European Commission and the adoption of an EU directive on the processing of freight traffic at intra-European borders, these problems were resolved. The two largest member states lost their nerve at the beginning of the crisis and thus their sense of European solidarity. But the European institutions proved stronger.

The joint procurement of vaccines by the EU must be regarded as a success of European unity. Without it, equal access of all member states to vaccines for their populations would hardly have been achievable. Without joint procurement, member states would have competed against each other and driven up prices, which would have particularly hurt poorer EU countries. The pandemic showed that Europe works and how important cohesion is in times of crisis. While joint vaccine procurement was a success, the EU did far too little at the global level to ensure fair vaccine distribution.

Further major challenges lie ahead. With the European Green Deal, all 27 EU member states have committed themselves to climate neutrality by 2050. By 2030, emissions are to be reduced by at

least 55% compared to 1990 levels. The EU thus has one of the world's most ambitious climate policy goals.

With **NextGenerationEU**, a recovery plan worth over 800 billion euros, the COVID-related damage to the economy and society is to be cushioned, and investments made in a forward-looking ecological, social, and technological transformation of European economies. This massive, counter-cyclical EU investment program contrasts sharply with the neoliberal economic policies of the Barroso Commission. The ECB also helped mitigate the economic and social consequences of the pandemic with its expansive policies.

The austerity paradigm has for the moment given way, in the face of the pandemic, to a Keynesian crisis policy that could be continued in view of the war in Ukraine.

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The von der Leyen years will be judged on whether Europe emerges more social, ecological, digital, and resilient from these various crises. One thing is already clear today: the COVID crisis has, through the mutualization of debt, already led to a deepening of European integration – a level of integration that would have been unthinkable before the pandemic. From a social democratic perspective, this represents a major step in the right direction.

However, there is still a long way to go before completing the Banking Union, the Capital Markets Union, and the Fiscal Union, which would make Europe more resilient economically and reduce the harmful internal European tax competition.

European politics can and must prove how the European Pillar of Social Rights can actually be implemented through binding standards such as national basic security systems and binding legal frameworks for minimum wages. The legal instruments at EU level exist, but without the will of member states, economic and social inequalities cannot be successfully reduced.

The will of the EU Commission, as well as the revival of European social democracy, give reason for optimism that a more social Europe, and thus a renewed “social period,” has become possible.

2.5 “Brussels Effect,” Rule of Law, and European Sovereignty

While the idea of a humane European migration policy has so far failed due to the member states, and the social and economic orientation of the EU has changed repeatedly over recent decades, the regulation of the European internal market has consistently served in many areas as a global model.

Especially in regulating the internet, data protection, consumer and environmental protection, or food safety, the EU sets global standards that raise the level of protection for people and the environment overall. In many respects, the EU is more progressive than Switzerland. The fact that many EU protective regulations and standards are applied beyond its borders is referred to as the **“Brussels effect”**, and shows that the EU – as still the world's largest internal market – can make an important contribution to a more sustainable world.

Particularly with the currently pending regulation of tech companies, the enforcement of ethically responsible technology development (e.g. the application of Artificial Intelligence), and the

implementation of effective liability rules and due diligence obligations for global corporations (“corporate responsibility”), the EU could once again become a progressive pioneer.

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Against the backdrop of worrying, undemocratic, and illiberal tendencies in individual member states such as Poland or Hungary, EU institutions have also intensified their commitment to the rule of law. Based on rulings of the European Court of Justice and the European Court of Human Rights, the EU has in recent years increasingly pushed for human rights, judicial independence, and media freedom within its member states. It also helps that, with the current EU budget (2021–2027) and the launch of the NextGenerationEU recovery plan, it now has for the first time the ability to make the payment of EU funds conditional on the rule of law situation in a country.

At the same time, it is clear that the EU cannot limit itself to its role as regulator of the internal market and guardian of the rule of law. It needs political reforms that strengthen it both internally and externally. One necessary reform concerns the still existing democratic deficit of the EU: although Parliament must now approve most EU legislative acts, some policy areas remain the exclusive competence of the European Council, which adopts its decisions without or only after hearing Parliament. Moreover, Parliament lacks the crucial legislative right of initiative. The unanimity requirement in the European Council, which is no longer justifiable in terms of substance, often brakes progress.

Promising reform plans exist, however: the Conference on the Future of Europe should ideally lead to a constitutional convention and to “(...) a federal European state, organized centrally according to the principles of subsidiarity and proportionality, and based on the Charter of Fundamental Rights.” This is stated in the coalition agreement of the new German government of SPD, Greens, and FDP. Such an ambitious stance from the government of the most important EU state is encouraging for further European integration. Especially as this position comes at a time when the concept of **“European sovereignty”**, and thus the idea of Europe as a multilateral pioneer and sovereign power for peace in the world, is gaining increasing support.

In the course of these reform efforts, the important idea that the European Parliament should be strengthened and equipped with a right of initiative is also gaining support.

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Overall, in addition to troubling anti-democratic tendencies in some member states, there are many signs that the EU is growing closer together and moving in a more social and ecological direction. The European response to the pandemic was based on solidarity and thus fundamentally different from the earlier neoliberal response to the financial and euro crisis. The European Pillar of Social Rights has become an important policy tool of the European Commission. The stronger commitment to rule of law within the EU member states is also encouraging. What remains downright shameful, however, is Europe’s handling of the migration issue — although here the member states, through their obstructive stance, bear much more responsibility than the EU institutions.

How Putin's war of aggression against Ukraine will impact the further development of the EU cannot yet be assessed. But it seems likely at this point that there will be a further deepening of integration, strengthened solidarity among member states, and greater support for the idea of "European sovereignty." It is also possible that the internal disputes within the EU over the primacy of EU law will ease, and the focus will shift instead to protecting democracies from the aggression of authoritarian states as well as from the overreach of large corporations.

2.6 European Union as an Ongoing Integration Project

The history of the European Union is neither linear nor can the EU be understood as a monolithic entity. Instead, it is a project permanently contested between different political visions and interest groups. Why then, from a social democratic perspective, is the EU necessary in the future? Because despite the complexity of its history and despite the EU's obvious need for reform, one thing is clearer today than ever: the most important upcoming challenges can only be tackled effectively at a supranational level.

Especially since Putin's war of aggression against Ukraine, it is beyond doubt that Europe cannot afford to be internally divided. For geopolitical reasons alone, it must be united – indeed, more united than ever.

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The historical pillars of the European project are today expressed in slightly altered form, but remain the same at their core: the pursuit of security and peace, (civic) anti-fascism, and the goal of social prosperity are more relevant than ever. Since the war in Ukraine, Europeans have become even more aware of how important European security cooperation is. Even though Joe Biden as U.S. President is once again a reliable partner, the memories of Donald Trump and his unpredictability remain. Blindly trusting in the protective shield of NATO, dominated by the United States, would be unwise. What is needed instead is a strengthening of European sovereignty, including in matters of Europe's security.

While anti-fascism was a central driver of European integration after the Second World War, today it is anti-authoritarianism in the face of Russian aggression against Ukraine. Here the EU serves as a democratic and rule-of-law counterpoint. And finally, the goal of social prosperity remains essential: without reducing internal inequalities, the Union will be preoccupied with itself and unable to play a significant role externally.

Because today's challenges can only be tackled effectively at the supranational level, the integration project has crossed the threshold of irreversibility in a progressive sense: withdrawals from the EU would be associated with serious setbacks. In this respect, progressive politics today is largely defined by the creation of a stable international order. And the path to a stable global order leads through strengthening Europe.

Swiss Social Democracy therefore commits not just to a cooperating Europe but to the European Union as an ongoing integration project.

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At present, the development of relations between Switzerland and the EU is blocked. Basically, these relations can move in three directions: straight ahead, by trying to maintain the status quo (3.1); backwards, toward less integration (3.2); or forward, toward deeper European integration (3.3). For the SP Switzerland, it is clear that it wants to move forward and rejects moving back. Nevertheless, it is worthwhile to analyze all three directions in detail.

3.1 Traditional Bilateralism is Blocked

After the narrow “no” to joining the European Economic Area (EEA) in 1992, the official interpretation of the vote result was that only agreements “below EEA level” could now be concluded. Thus, the so-called bilateral path became a necessity to avert greater economic and political damage. The Bilaterals I (1999) and II (2004) fulfilled this purpose: Switzerland took part in large parts of the internal market, though partially, and engaged in extensive integration into the European legal area – for example in the fields of justice and home affairs, visas, and asylum – and benefited from participation in EU programs and agencies.

With the adoption of the “Deportation Initiative” (2010) and the “Mass Immigration Initiative” (2014), the bilateral path came under frontal attack from the SVP. The “Mass Immigration Initiative” in particular, however, was accepted by many voters not due to xenophobic attitudes or skepticism toward European policy, but because real problems existed in the Swiss labor market and the initiative seemed to offer a simple solution. Since then, however, all votes that questioned the bilateral path have been clearly rejected (“Implementation Initiative” 2016; “Self-Determination Initiative” 2018; “Limitation Initiative” 2020). The SP supported the agreements with the EU in every vote.

Despite these clear popular victories, it has become evident that the European Union has moved away from a bilateral logic. The “bilateral path” in its traditional, static form is blocked, while EU law continues to develop dynamically.

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3.1.1 Abandonment of the Accession Goal, Eastern Enlargement, and Brexit Create Problems

After the rejection of the EEA accession, the EU agreed to sectoral negotiations. Key to this concession was the expectation that step-by-step accession to the internal market would pave the way for Switzerland’s full membership. At the latest when the Federal Council downgraded EU accession in 2006 from a strategic goal to merely one option among others, the framework conditions fundamentally changed. Since then, the EU has demanded an institutional foundation for Switzerland’s sectoral participation in the internal market. The definitive hardening of the EU’s perception of Switzerland came in 2016 with Switzerland’s withdrawal of its membership application, which had been pending in Brussels since 1992. This reinforced the EU’s belief that the homogeneity of EU law was at risk if Switzerland only followed its further development selectively and refused EU jurisdiction.

Moreover, after the eastern enlargements of 2004, 2007, and 2013, the EU became less understanding of a tailor-made Swiss path. First, Switzerland today must negotiate with almost

twice as many member states, which is per se more difficult than negotiations in a smaller circle. Second, there are fewer close ties between Switzerland and Eastern European countries, making it harder to justify the Swiss special path with shared economic interests. Third, no exemptions were granted to Eastern European states during their accession negotiations, which further reduced the acceptance of a Swiss special solution.

The room for maneuver and willingness of the EU Commission to grant privileges to a third country like Switzerland – sectorally participating in the internal market but with freedoms no member state enjoys – has since shrunk. The problem of special solutions has also become a challenge for internal EU cohesion. The harmonization of law at a high level of homogeneity is increasingly creating tensions within the EU. It is therefore not excluded that the EU will in the future pursue the path of legal harmonization less consistently. In particular, the principle that EU treaties and directives take precedence over national constitutional law has caused tensions, as controversies over court rulings in Poland and Germany illustrate. In this sense, Switzerland's special third-country status adds an extra layer of complexity for the EU.

If the “Swiss model” is to retain both a special degree of freedom and continued sectoral participation in the internal market, it must be convincingly justified against the membership model or the EEA association model.

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With Brexit, Switzerland's negotiating position deteriorated even further. Although Switzerland is not an insignificant trading partner for the EU, negotiations with the United Kingdom are rated in Brussels as much more important. To avoid setting precedents that could weaken the EU's position vis-à-vis the UK, the EU insists all the more strongly with third countries like Switzerland on its principle of the indivisibility of the four fundamental freedoms (free movement of services, capital, people, and goods).

The changed framework conditions are reflected, among other things, in the fact that since 2008 the EU has been demanding the creation of an institutional framework that applies to all existing and future agreements concerning Switzerland's participation in individual areas of the internal market and EU policy. The EU Commission does not seem willing to maintain the status quo. Concretely, this means that without institutional regulation no further internal market access agreements can be concluded and existing ones will no longer be updated. Participation in various EU programs, agencies, and joint undertakings (Horizon Europe, Erasmus+, Copernicus, Creative Europe MEDIA, Digital Europe, European High Performance Computing Joint Undertaking, etc.) is also made dependent on progress in institutional questions (legal development, interpretation, monitoring, dispute settlement).

In addition to these increasingly difficult framework conditions comes the realization that the so-called bilateral path is reaching structural limits.

3.1.2 The “Bilateral Path” Reaches Structural Limits

With the existing agreements, Switzerland adopted the EU law applicable at the time. These agreements are comparable to snapshots of the situation in 1999, 2004, etc. Since then, EU law has

developed dynamically. Switzerland, however, has only adopted new EU law selectively at its own discretion. From the EU's point of view, this is incompatible with the unified legal space it wants to create. And even for Switzerland, the lack of ability to actually adopt and enforce new EU law has negative effects in some areas.

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In addition, Switzerland continuously adopts European law without being able to co-decide on it. In relevant areas, Switzerland has thus delegated its law-making to the EU. In the fields of aviation as well as asylum and migration policy (Schengen/Dublin), Switzerland has accepted dynamic adoption of law. In numerous other areas where dynamic adoption was not accepted, Switzerland nevertheless foregoes negotiations with the EU and instead adapts its law through what is euphemistically called “autonomous” replication. From a democratic theory perspective, the ongoing adoption of EU law without co-determination is highly problematic and represents a loss of sovereignty.

In the globalized 21st century, the state that can shape and co-decide on what affects it actually increases its sovereignty. Sovereignty cannot – as right-wing rhetoric suggests – be brought about through isolation. Certain facts must be recognized: facing global challenges such as climate change, stabilizing a system of collective security, combating tax evasion, or dealing with data giants like Google, Facebook, Amazon & Co., what is needed is supranational capacity to act. A Swiss “go-it-alone” approach in these policy fields might be self-determined, but it would have no influence and thus be anything but sovereign. Sovereignty is not defined by independently making decisions that have little effect, but by independently making decisions that matter: whoever sits at the “children’s table” cannot be sovereign!

If Switzerland truly wants to be as sovereign as possible, it must be able to co-decide where the relevant decisions on our continent are made – and that is in the EU. Only well-negotiated EU membership guarantees full co-determination rights. Accession would therefore increase Switzerland’s sovereignty rather than reduce it, as the SVP claims. Bilateralism, by contrast, feigns influence where there is hardly any. For example, due to the “guillotine clause” in Bilaterals I, Switzerland faces a stark choice in every vote: either approve the corresponding EU legal development or risk the collapse of all Bilaterals I. At the same time, Swiss representatives have no voting rights in the EU law-making process (decision making), at best the chance to exert advisory influence (decision shaping). But even these influence opportunities are often not used offensively enough by Switzerland.

Moreover, bilateralism reaches its limits because it leads to reform blockages. From the rejection of the EEA accession to the ratification of Bilaterals I took eight years, and another five to seven years until Bilaterals II entered into force. In addition, Switzerland’s association with important EU programs is regularly delayed, causing great legal uncertainty. The most serious consequence of the bilateral blockade is that access to the European internal market cannot be further developed and, due to the EU’s own legal evolution, will increasingly erode in the coming years.

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Since at the latest 2008, the EU has made the conclusion of new market access agreements and the updating of existing agreements dependent on progress toward creating an institutional framework.

Since the Federal Council declared the negotiations on the institutional agreement to be over on 26 May 2021, various market access agreements have been blocked. Without clarification of the institutional issues, it is foreseeable that Switzerland will be excluded from the dynamic development of freedom of movement, the agricultural agreement, or the agreement on the elimination of technical trade barriers. This already poses major challenges for Swiss export industries, as seen for example in the field of medical products. In addition, the electricity and health agreements that were already negotiated are unlikely to be concluded in the coming years.

Against this background, it is clear that the bilateralism, often glorified as the “royal road,” is blocked and the status quo is therefore unstable. Without clarification of the institutional issues, the bilateral agreements will continue to erode in the coming years. Because bilateralism has so far been a success model, the SP will work to unblock the bilateral path as quickly as possible. Concluding an institutional agreement and the sectoral dynamization of treaties associated with it would indeed stop the erosion of the Bilaterals, but would leave some structural problems unsolved: dependence on EU decisions and the lack of possibility to co-shape our common future.

In the coming years, Swiss integration with Europe will, due to the unresolved institutional questions, slowly but surely decrease. What consequences would such a regression have, and how should this be judged from a social democratic perspective?

3.2 Free Trade Instead of Internal Market Means Regression

In Switzerland, many traditional actors, especially on the bourgeois side, want maximum economic but minimal political integration. Yet the EU is developing in the opposite direction. For this reason, some actors — for example from the financial sector as well as the SVP — are now calling for generally less integration. Their slogan: free trade instead of internal market integration.

This could essentially be implemented in two ways: by renouncing sectoral participation in the internal market and falling back to the 1972 Free Trade Agreement and WTO law (3.2.1), or by modernizing the 1972 Free Trade Agreement along the lines of the Brexit treaty (3.2.2). Both options are unacceptable for the SP.

3.2.1 Free Trade Agreement of 1972 Instead of Integration

Without clarifying institutional issues, Switzerland’s current sectoral participation in the EU internal market will erode. Thus, in the medium term, there is the danger of falling back to the 1972 Free Trade Agreement between Switzerland and the EU, as well as to WTO law.

In 2015, the Federal Council in a report compared the differences between a comprehensive free trade agreement and the adoption of EU law via “bilateral” agreements. It concluded that, compared to sectoral participation in the internal market, a comprehensive free trade agreement would be a clear regression.

The legal certainty guaranteed through participation in the internal market under the bilateral agreements could not be achieved through a free trade agreement. Nor could close political and judicial cooperation, as exists thanks to the Bilaterals, be maintained with a free trade agreement.

Finally, a free trade agreement would at best formally ensure greater regulatory autonomy, since Switzerland as an export-dependent economy has an interest in harmonizing its law with EU internal market standards anyway. The **“Brussels Effect”** would also continue to affect a politically isolated Switzerland. In addition, the EU is very keen to include the dimension of fair competition (level playing field) in competition and environmental law in its treaties with third countries.

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Concretely, such a step backward in integration policy would involve, among other things, the following economic disadvantages:

- In trade in goods, in the area of technical trade barriers for industrial goods, it would no longer be guaranteed that products marketed in Switzerland and the EU are subject to the same requirements and that a single conformity assessment would suffice for all.
- An advance declaration requirement for imports and exports of goods would be introduced.
- Facilitated market access in certain service sectors would disappear.
- No further market access agreements would be concluded.
- In the non-market-access area (cooperation in police, taxation, justice, and migration), cooperation would be massively hampered.

One open question that would arise if relations between Switzerland and the EU reverted to a simple free trade agreement concerns the future of the Agreement on the Free Movement of Persons. Would this agreement, repeatedly confirmed by the Swiss people, still enjoy support in Switzerland if the positive counterbalance in terms of access to European markets were to lapse? And if so, would the EU still want this agreement to remain valid or would it allow it to erode, with all the consequences this would have for its own citizens working in Switzerland?

This question also affects the maintenance and further development of Switzerland's wage protection policy. Clearly, the flanking measures (FLAM) would be acutely endangered if the Agreement on the Free Movement of Persons were lost.

While modernizing the 1972 Free Trade Agreement between Switzerland and the EU could certainly be desirable, falling back to a pure free trade agreement is no alternative to participation in the EU internal market. Rolling back the European integration steps of the last 30 years would therefore be extremely risky and painful. The claim that “less Europe” could be compensated for economically through additional free trade agreements with emerging economies such as Russia, China, India, the Gulf States, South Africa, or the Mercosur states proves to be a dangerous illusion. Switzerland could never gain in these countries what it would lose in Europe.

For the SP it is clear that things must not come to this. At the same time, it must be emphasized that the eroding bilateral path is drifting toward the scenario outlined here.

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3.2.2 Swiss “Brexit Solution” Instead of Integration

After the failure of negotiations on the institutional agreement, voices arose suggesting that the Brexit treaty should serve as a model for future relations between Switzerland and the EU.

The EU–UK agreement rests on three pillars: free trade, cooperation in criminal law enforcement, and institutional issues. With such an agreement, certain cooperation programs could continue. At the same time, however, this model also contains the massive disadvantages mentioned above that come with renouncing sectoral participation in the internal market.

It should also be noted that such a negotiating mandate would not be granted by the EU Commission unless Switzerland admitted to abandoning the sectoral agreements. The roughly 120 agreements designed as legal-adoption agreements would therefore have to be dismantled. In this model, the same process as in the UK would have to be expected: first, termination of the agreements at a certain date with a dismantling agreement, and simultaneously, conclusion of a newly negotiated Trade and Cooperation Agreement modeled on the UK. For jobs and value chains in Switzerland, this could have serious consequences.

Even though modernizing the Free Trade Agreement along the lines of the Brexit treaty would be less devastating than falling back on the 1972 Free Trade Agreement and WTO law, this proposal is unacceptable. The visible consequences of Brexit in the UK — queues at gas stations, half-empty supermarket shelves, acute labor shortages — make clear what is at stake. The SP is convinced that the European integration steps of the last 30 years must be preserved and expanded. Dismantling is not an option.

Since the status quo of the bilateral path is unstable (3.1), and regression in integration policy would bring too many disadvantages (3.2), the forward path is clearly the most promising (3.3).

3.3 Moving Toward a Social and Democratic Europe

As described above, in recent years the EU has grown together politically and legally. If one wants to participate in the further development of this legal space, one must join it in one way or another. Such deeper European integration of Switzerland can be achieved either through accession to the EEA (3.3.1) or through EU membership (3.3.2).

These options represent the two undisputed integration models of the European community of states: comprehensive association with the EU internal market (EEA accession), or democratic participation and co-decision in all EU policy areas (EU membership). Both models must be continuously re-evaluated as options for Switzerland.

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3.3.1 Comprehensive Association with the EU Internal Market: EEA

Again and again, the proposal arises in Switzerland to make another attempt at joining the EEA. This would bring significant advantages with regard to comprehensive participation in the European internal market.

However, the EEA option faces three challenges.

1. Not only is Switzerland's bilateral path reaching structural limits, but increasingly also the EEA. It is sometimes unclear whether EU legal acts are relevant to the internal market and thus the EEA, which delays their adoption into the EEA agreement.
2. The EEA also lacks co-decision rights in the adoption of new EU legal acts, which must in the end be adopted automatically. The problem of limited sovereignty would therefore persist.
3. There is a finely balanced equilibrium between the EEA-EFTA states (Norway, Iceland, Liechtenstein) and between the EU and the EEA-EFTA states, which — from their perspective — would be put at risk by Switzerland's accession. It is thus not certain whether an EEA accession by Switzerland would even be desired by the current EEA states and the EU, and whether Switzerland could achieve meaningful adjustments to the EEA treaty.

For this reason, exploratory talks are urgently needed, as the SP parliamentary group proposed in the National Council. Only in this way could this option be reliably assessed before starting negotiations.

Despite these disadvantages, EEA accession would be preferable to the erosion of the bilateral path or a retreat to pure free trade. The advantage of comprehensive participation in the internal market outweighs the disadvantages of EEA accession.

Nevertheless, the central question for a modern understanding of Switzerland's sovereignty remains whether it should become a member of the EU or not.

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3.3.2 Advantages and Disadvantages of EU Membership

3.3.2.1 Advantages of EU Membership

The most important advantages of EU membership for Switzerland are:

1. **Sovereignty through co-decision:** Switzerland is sovereign only when it can co-decide where central decisions are made. The analysis of the limits of the bilateral path (3.1) shows that today Switzerland must adapt to European legal developments without being able to co-decide on them. In the long term, this one-sided adaptation of Swiss law to EU law leads to an asymmetric situation. This is not sovereignty. Only as an EU member can Switzerland co-decide on the most important political decisions of our time and thus help shape the future. With a right of co-decision at EU level, Swiss sovereignty would be massively increased – especially since some policy areas in the EU are still based on the unanimity principle. It is therefore not the case that Switzerland as a medium-sized country in Europe would have hardly any influence on EU decisions. This advantage of EU membership is so central that it alone should trigger a serious debate about joining the European Union.
2. **Strengthening the European peace project:** Thanks in part to the EU, it is now unimaginable that Germany and France would go to war against each other, as they did three times between 1870 and 1945. The EU also played a central role in overcoming the deep

division of Europe after the Cold War. While deeper European integration is not a guarantee of peace, as Putin's aggression against Ukraine demonstrates, the closer economic and political cooperation among European states driven by integration makes it highly likely that European integration has contributed to decades of peace in Europe and continues to do so at least within EU territory. This peace project must therefore be stabilized, especially in light of Putin's aggression.

3. **Improvements in democracy:** EU citizens are directly represented at Union level in the European Parliament. This applies to around 25% of Switzerland's resident population (over 2.1 million people with EU passports), but not to the other 75% of the Swiss resident population — even though they are just as affected by EU law.
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4. **Strengthened protection of fundamental rights:** The right to work, the right to education, and numerous other social rights are anchored in the EU treaties and implemented in many ways through EU agencies and programs, currently within the framework of the European Pillar of Social Rights. The social rights guaranteed in Switzerland at constitutional and legal level go in part less far. The same applies to anti-discrimination protections, which are much stronger in the EU. In Switzerland, a prohibition of discrimination exists only in the Equality Act and the Disability Act, but there is no legal basis for programs to combat discrimination or to improve enforcement of the right not to be discriminated against in the labor and housing markets.
5. **EU foreign policy:** From a social democratic perspective, there is much legitimate criticism of the EU as a global actor. But no world power offers as many real opportunities to consistently stand up for human rights, environmental protection, sustainable development, peace promotion, and multilateralism as the EU. For Switzerland, joining the EU would mean having direct co-determination rights in an important global player.

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3.3.2.2 Challenges of EU Membership

EU membership would not only bring advantages, but also challenges. These must be carefully considered and, if possible, resolved in the course of accession negotiations.

1. **Wage protection:** The central challenge of EU membership is protecting wages in Switzerland. The EU still too often subordinates social protection to market logic. If Switzerland were to join the EU, the protection of good wages must be non-negotiable. Wage protection must be ensured through stronger collective agreements and legal minimum wages in Switzerland as well as through the further development of EU legislation and jurisprudence.
2. **Public services:** EU internal market legislation tends toward liberalization. EU membership must therefore go hand in hand with strong safeguards for public services (services of

general interest). Swiss public services must be excluded from liberalization and privatization.

3. **Democratic participation:** In order to anchor EU membership in Switzerland democratically, mechanisms of co-determination must be established domestically. This includes, among other things, the obligation of Swiss representatives in the Council of Ministers to vote in accordance with parliamentary resolutions, as well as increased use of referendums to implement EU legislative changes.
 4. **Constitutional adjustments:** EU accession would entail far-reaching constitutional amendments. It must therefore be accompanied by a constitutional revision. This revision must secure the achievements of Swiss democracy (federalism, semi-direct democracy, neutrality) and at the same time adapt the constitution to the new reality of EU membership.
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3.3.3 EU Accession as an Opportunity — Also for Domestic Reforms

In addition to the many advantages and challenges, EU membership also offers the chance to make important domestic reforms. In fact, accession could be an opportunity to finally realize political projects that have long been blocked in Switzerland. These include:

- **Anchoring fundamental rights:** Switzerland could, with EU accession, expand its protection of fundamental rights and thus significantly strengthen its democracy.
- **Anchoring social rights:** With the European Pillar of Social Rights, EU accession offers the opportunity to improve the Swiss welfare state and to anchor social rights more strongly in the Swiss legal order.
- **Anchoring environmental rights:** Switzerland could enshrine the right to a healthy environment in its constitution and legislation.
- **Anchoring equality:** With EU accession, Switzerland could adopt more comprehensive anti-discrimination protections, for example in the areas of gender, sexual orientation, disability, and origin.

Overall, EU accession offers a great opportunity to modernize Switzerland's political system and make it more progressive.

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4. The Next Step: Association

In light of the current deadlock, what is needed is a forward-looking, pragmatic solution. The SP is convinced that the next step must be an association with the EU that replaces the previous "bilateralism."

The association path means that Switzerland and the EU conclude a comprehensive agreement that governs both market access and institutional issues, as well as cooperation in other policy areas.

Association is thus more than bilateralism: it is a comprehensive political and economic partnership with the EU, without Switzerland becoming a full member. Such an agreement would guarantee Switzerland dynamic participation in the EU internal market and, at the same time, establish clear rules for legal development, interpretation, monitoring, and dispute resolution.

To make such an association possible, three things are needed: confidence-building measures by Switzerland (4.1), a temporary stabilization agreement (4.2), and the adoption of a European Law as the democratic basis (4.3). Finally, it is important to speak of association and not of “bilateralism” (4.4).

4.1 Confidence-Building Measures by Switzerland

The failure of the negotiations on the institutional agreement in 2021 has severely damaged mutual trust. Switzerland must therefore take confidence-building measures before new negotiations can succeed. These include in particular:

- **Cohesion payments:** Switzerland should proactively and without delay make further cohesion contributions to the EU, without being forced by pressure.
 - **Program participation:** Switzerland should show a willingness to contribute to European programs (Horizon Europe, Erasmus+, etc.) and to finance these contributions fairly.
 - **Dialogue:** Switzerland should intensify political dialogue with the EU and its member states and present itself as a constructive partner.
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4.2 Temporary Stabilization Agreement

Because the negotiation of a comprehensive association agreement will take time, an interim solution is needed. A stabilization agreement with a duration of five years could ensure that Switzerland continues to participate in EU programs and that existing agreements are maintained and updated. This stabilization agreement should also regulate Switzerland’s cohesion contributions and provide for confidence-building measures.

4.3 European Law as Democratic Basis

For the SP it is clear: such an association must be democratically legitimized. Therefore, the framework conditions of the association should be set out in a **European Law**. This law should define Switzerland’s participation in the internal market, its contributions, and the institutional framework. The adoption of this law by Parliament and, if necessary, by the people in a referendum would create democratic legitimacy for the association.

4.4 Negotiate Association Instead of Speaking of “Bilateralism”

The term “bilateralism” is outdated and misleading. It suggests a static, piecemeal approach that no longer fits the reality of Switzerland–EU relations. Instead, Switzerland should clearly aim for association with the EU. Association means a comprehensive and structured partnership, going beyond bilateral treaties.

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Association as a Step Toward EU Membership

From the SP's point of view, the association agreement must not be seen as the final stage of Switzerland's European policy. Rather, it is a transitional step toward EU membership.

The SP is convinced: in the long term, Switzerland's place is in the European Union. Only as an EU member can Switzerland fully exercise its sovereignty, co-decide on important political decisions, and contribute to shaping a democratic, social, and ecological Europe.

Association is therefore not an alternative to membership, but a necessary intermediate step. It secures Switzerland's participation in the internal market and European programs, stabilizes relations with the EU, and creates the political and democratic basis for the next step.

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SP's Goal: EU Membership

The SP's party program, confirmed by the party congress on 28 August 2021, clearly states: Switzerland's goal is well-negotiated EU membership.

The advantages of membership — sovereignty through co-decision, strengthening the European peace project, democratic participation, improved protection of fundamental and social rights, and a stronger foreign policy role — clearly outweigh the disadvantages, provided that key conditions are met. These include:

- **Protection of wages and working conditions.**
- **Safeguards for public services.**
- **Preservation of Swiss democratic achievements** such as federalism and semi-direct democracy.
- **Careful constitutional adjustments** to embed membership in the Swiss legal order.

With these conditions, EU membership offers Switzerland not only the opportunity to preserve its achievements, but also to expand and further develop them.

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Conclusion

Swiss isolationism is unthinkable for the SP. Switzerland's future lies in Europe, and Europe's future lies in integration.

The SP therefore calls for:

1. **Immediate resumption of negotiations** with the EU, with confidence-building measures and a stabilization agreement as the first step.

2. **Negotiation of a comprehensive association agreement** that replaces the outdated “bilateralism” with a structured, democratic, and forward-looking partnership.
3. **Preparation for EU membership**, as the only model that guarantees Switzerland true sovereignty and co-decision rights.

For the SP, it is clear: Switzerland must not be left on the sidelines. We want to help shape a peaceful, democratic, social, and ecological Europe. Our goal is a well-negotiated EU membership of Switzerland.