

Safeguard clause for Romanian and Bulgarian nationals

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In 2017 the Federal Council invoked the safeguard clause contained in the Agreement on the Free Movement of Persons between the European Union and Switzerland. This safeguard clause allows Switzerland to unilaterally implement a quota system for Romanian and Bulgarian nationals from June 1 2017 until May 31 2018. The invocation of the safeguard clause activated a quota system for B-permits(1) for Romanian and Bulgarian nationals (EU-2 states) who take up a gainful activity or set up as self-employed workers in Switzerland.

On April 18 2018 the Federal Council decided on the principle of maintaining the safeguard clause and B-permit quota system for Romanian and Bulgarian nationals. The issuance procedure for such B-permits, applicable since June 1 2017, will therefore remain in force for an additional year.

On May 16 2018 the Federal Council adopted a decree regarding the maintenance of the quota system for Romanian and Bulgarian nationals and decided to maintain a quota of 996 B-permits (ie, the same number as for 2017).

The Federal Council also decided that should the threshold contained in the Agreement on the Free Movement of Persons be reached by May 31 2018, a quota system will also be introduced for L-permits(2) for Romanian and Bulgarian nationals. Against all expectations, should the threshold be reached, the Federal Council will adopt a decree regarding the introduction of a quota system for L-permits by mid-June 2018.

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Endnotes

(1) B-permits apply to stays of more than 12 months.

(2) L-permits apply to stays of between four and 12 months.

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