

Agreement on health

1. The situation today

Switzerland does not have a right to participate in the EU mechanisms and bodies for the prevention, preparedness, surveillance, risk assessment or early warning of serious cross-border threats to health. During past crisis situations (e.g. the COVID-19 pandemic), Switzerland was allowed access to EU structures and mechanisms on an ad hoc basis. Since 2008, there were several attempts to conclude an Agreement on health with Switzerland, but none were successful.

The EU and Switzerland therefore decided to include a new Agreement on health in the broad package negotiated between March and December 2024.

2. The content of the new agreement

Serious health threats such as infectious diseases, chemical spills or environmental causes (volcanic eruptions, floods or consequences of climate change) can cross borders and risk overloading national containment capacities. Coordination and cooperation on health security with our neighbours is essential.

The new Agreement between the European Union and the Swiss Confederation on Health will allow Switzerland to take part in EU mechanisms and bodies addressing serious cross-border threats to health, notably the Health Security Committee, the Early Warning and Response System (EWRS) and the European Centre for Disease Prevention and Control (ECDC).

The Agreement includes an institutional setup that aims to ensure that all countries present in EU decision-making fora apply the same rules. The institutional solutions applied in market-access agreements are therefore applied by analogy. The setup involves the obligation to dynamically align to the relevant Union acquis. EU legal acts integrated into the Agreement will be applicable in the EU and in Switzerland. In addition, that acquis will have to be uniformly interpreted and applied across the Union and Switzerland. In this context, Switzerland will have the possibility to take part in the relevant decision-shaping processes in the EU.

The Agreement will allow for the resolution of disputes between the EU and Switzerland through an arbitral tribunal, with a role for the European Court of Justice if there is a question of Union law that needs to be resolved in order for the arbitral tribunal to deliver its decision. Moreover, the case-law of the European Court of Justice will apply to this Agreement regardless of whether it is handed down before or after the entry into force of the Agreement.

Additionally, Switzerland will participate in and financially contribute to actions funded by the EU4Health programme, one of the programmes included in the Agreement on the participation of Switzerland in Union programmes.

3. The benefits of the new agreement

Two main EU legislative acts, and their implementing and delegated acts, will become part of the Swiss legal order: the Regulation establishing the ECDC and the Regulation on serious cross-border threats to health. This means, for instance, that the Member States, EEA EFTA States and now also Switzerland will draw up national plans on preparedness to health crises with similar information and in close contact with each other and the Commission to ensure their plans are in line with the EU health crisis and pandemic plan. This will help ensure a coherent and common framework for crisis preparedness and response across borders.

Switzerland will be able to participate in:

- The **European Centre for Disease Prevention and Control**, which identifies, assesses and communicates current and emerging threats to human health posed by infectious diseases and assesses the epidemiological situation in the EU/EEA (and, in the future, Switzerland);
- **Joint procurements to purchase medical countermeasures for serious cross-border health threats** (protective equipment, treatments, diagnostics etc.);
- **The Health Security Committee**, a key forum for the exchange of information on serious cross-border health threats at EU level. It coordinates the prevention, preparedness and response planning at EU level, response to health crises, including the national public health measures and is empowered to adopt opinions and guidance;
- **The EWRS**, a restricted communication platform for alert and risk management of serious cross border threats to health;
- **The EU4Health Programme**, which provides funding to national authorities, health organisations and other bodies through grants and public procurement, contributing to a healthier Europe.

With the Swiss participation and financial contribution to EU structures, and the dynamic alignment on the relevant EU rules, the EU legal framework on the crisis-preparedness framework is strengthened, as is the protection of the population's health both in the EU and in Switzerland.