

Annual Report for 2009 by the Parliamentary Control of the Administration (Summary)

Appendix to the Annual Report for 2009 by the Control Committees and the Control Delegations of the National Council and the Council of States

22 January 2010

Summary of the activities of the PCA during 2009

The present Annual Report reveals that 2009 was a busy year for the Parliamentary Control of the Administration (PCA): four evaluations, one management audit and a small project were completed for the Control Committees (CCs) of the National Council and the Council of States, and three further evaluations, one management audit and certain mandates relating to the crisis in the financial markets were dealt with.

Completed projects

*Only three years after measures had been taken to restore its financial soundness, the unemployment insurance fund was once again in the red. In addition, the unemployment rate varied considerably from one canton to another. Consequently, it was thought necessary to examine the management and monitoring of the fund by the federal authorities. The subsequent **assessment of the management and monitoring of the unemployment insurance fund** revealed that in general the Confederation is fulfilling this task as it should: the legal basis is coherent and strategy and steering are based on appropriate aims and tools. The strict control of the unemployment insurance fund is accompanied by efforts to continually improve collaboration. According to the results of the assessment, the problems lie principally in a) the lack of transparency in relation to the appointment of people to sit on the monitoring committee and the degree to which they are representative, b) the mechanisms for early identification of problems and the reactions of the Federal Council, the monitoring committee and the compensation fund, and c) how the Federal Council monitors implementation. The room to manoeuvre accorded to the implementing bodies has led to methods of varying efficiency, heterogeneous practices and consequently differing results which cannot be explained in full. Until now, however, the Federal Council has not considered there to be any contradiction between this heterogeneity and the need for a standard application of the law which it is supposed to monitor.*

*Six years after the Federal Personnel Act came into force there were already indications of problems concerning the quality of the steering and implementation of personnel policy and its principal aims. As the results of the **investigation into federal personnel policy** show, the problem lies neither in employment conditions (salary, work-life balance, basic and further training) nor in the implementation of the principal aims. The main shortcomings concern rather the inadequate steering on the part of the Federal Council and the Federal Department of Finance. The decentralisation of responsibility for human resources to the Federal Departments*

and Offices was not accompanied by the increased steering that the Federal Council had promised.

Collaboration between the federal administration and NGOs was again the subject of criticism from politicians and the media, especially with regard to development cooperation. As a result, the PCA undertook an in-depth examination of the steering of joint projects with NGOs by the federal administration in the field of development cooperation as well as, for purposes of comparison, in the fields of agriculture and the environment. This involved examining and analysing both the norms and steering practice concerning 14 individual joint projects. The PCA observed that in many cases the administration did not react in an appropriate way to the two main risks involved in working with NGOs: measures aimed at minimising the risk of misappropriation of public funds were sufficient in only five of the cases studied, and preventive measures aimed at avoiding the creation of monopolies were satisfactory in only one single case. A cross-comparison showed that in some cases specific efforts had been made to remedy these shortcomings, however.

According to Art. 174 of the federal constitution, the Federal Council is the supreme governing and executive authority of the Confederation. It is responsible for deciding on the objectives of federal government policy and the means by which they should be achieved, as well as planning and coordinating the activities of the state (Art. 180). Although a broad range of tools exist for planning, controlling and reporting, it is not all clear how the Federal Council uses them in practice for the strategic political steering of the running of the country. As a result, in 2008 the CC-N mandated the PCA to carry out a **study of the information intended for use in steering the activities of the Federal Council and the role of the Federal Chancellery**. The aim of this study was to analyse and evaluate the combined use of the various tools, the use of steering tools and the corresponding information by the Federal Council, and the specific role played by the Federal Chancellery in this connection. In October 2009 the PCA presented its final report to the relevant sub-committees of the CCs, which is due to be published during 2010.

In the case of the management audit of the **Federal Veterinary Office (FVO)**, a summary assessment of political and operational steering and management was carried out. The results were predominantly positive. The investigators concluded that the FVO is well run. It has a small but highly effective and well established range of steering tools. Improvements could be made, however, in that the tools could be designed and put into effect in a more regular manner. The Office's relations with its partners, in particular cantonal veterinary authorities, are good. As far as regards food security, there is a certain lack of clarity in the delimitation of responsibilities between the FVO and other federal authorities and there is a clear need for coordination in this respect. This does not detract from the overall positive impression, however. On the whole, the FVO fulfils its mandate well with limited resources.

The decision to assign the task of **time management** throughout the federal administration to one single company has given rise to a whole series of questions concerning transparency and justification in decision-making procedures. The CC-S mandated the PCA to carry out a brief analysis of how the contract had been awarded and whether the corresponding decision had been based on solid economic criteria, as well as whether the due process of competitive bidding had been respected. This study brought to light important shortcomings with regard to decision-making procedures.

Ongoing projects

Following their examination of the circumstances surrounding the appointment of Roland Nef as Head of the Armed Forces (report by the CC-N of 28 November 2008), the CCs decided to carry out a cross-departmental evaluation of the **Federal Council's choice of senior appointees**, and consequently mandated the PCA to look into the issue. The investigation centres on the actual recruitment process. It is planned to examine 28 such procedures over the past four years, ten of them being reconstructed in detail. During this investigation major difficulties have arisen in connection with access to information and the application of the CCs' and the PCA's legal right to be given information. It therefore remains open whether the investigation can be carried out as planned.

Over the past few years the media and trade unions have repeatedly claimed that there are problems within the Swiss Federal Customs Administration (FCA) and in particular the Swiss Border Guard (BG). The problems that parliament has addressed concern in particular the shortage of personnel in the BG and the way they fulfil their mandate and set priorities. Consequently, since June 2009, the PCA has been carrying out an **assessment of strategic steering and the management of tasks and resources at the FCA** and its two units, civil customs and the Swiss Border Guard, at the request of the relevant sub-committee of the CC-S. The main aspects of the investigation are an analysis and assessment of the management cycle at the FCA. This covers both strategic steering by the federal Department and operational steering and implementation within the FCA itself. Moreover, the PCA is looking at the BG's collaboration with the DDPS and cantonal authorities. The results of this investigation should be available during the second quarter of 2010.

Switzerland is holding the **presidency of the Committee of Ministers of the Council of Europe** from 18 November 2009 until 11 Mai 2010. At the request of the Swiss Delegation to the Parliamentary Assembly of the Council of Europe, the CCs have decided to assess this presidency. According to a decision taken by the relevant sub-committee of the CC-S, this study should address the extent to which Switzerland uses the opportunities for action implied by this appointment in relation to its foreign policy aims as well as the key objectives of the Council of Europe. As far as possible, a comparison will be drawn with the Swedish presidency (May 2008 to November 2008), which was evaluated by another body. The final report is due to be submitted to the sub-committee in the final quarter of 2010.

In addition, the PCA is carrying out a **management audit of the Federal Office for the Environment (FOEN)**. The key question in this investigation is the extent to which the steering tools are appropriate for ensuring that the FOEN can fulfil its political mandate. The steering cycle of the FOEN and its interfaces with the DETEC and the Federal Council will be examined. How clear is the FOEN's mandate? Have the procedures for fulfilling this mandate been clearly defined? And are there any checks on whether aims are achieved? These questions are to be answered through a detailed analysis of planning, implementation and monitoring tools.

The PCA is also taking part in investigations being carried out by a CC working group into the **crisis in the financial markets**. The PCA's particular task is to analyse the reaction of the Swiss authorities compared with that of other countries, for which it will also appoint an expert to carry out an appraisal.

The full Annual Report is already available in German and French and the Italian version should be ready around May 2010: <http://www.parlament.ch>> Kommissionen> Parlamentarische Verwaltungskontrolle.