

2013 Annual Report of the Parliamentary Control of the Administration

Appendix to the 2013 Annual Report by the Control Committees and the Control Delegations of the National Council and the Council of States

of 31 January 2014

The activities of the PCA in 2013 at a glance

In the course of 2013 the Parliamentary Control of the Administration (PCA) concluded four evaluations and began three new investigations. A further evaluation was nearing completion at the end of the year. Also in this reporting year, the PCA drafted proposals for the Control Committees of the Federal Assembly (CC) for the 2014 annual programme.

Completed investigations

*A number of appointments to senior management positions within the Confederation have sparked controversy in recent years. This is the background against which the CC instructed the PCA on 23 January 2009 to evaluate the **appointment of senior management by the Federal Council**. The evaluation revealed that the selection procedure for senior management posts depends to a large extent on the government department concerned. As a rule, the Federal Council does not intervene in the process. As such it is only formally responsible for conducting appointments in the majority of cases. The quality of the selection procedures conducted at department level is therefore extremely important. Nevertheless, the Federal Council confirms the departments' proposals without ensuring that basic rules (transparency and quality in the selection process, reasons for not carrying out a competitive process, results of security control made known) have been respected during the selection process, and without seeking detailed information regarding the procedure. As well as identifying outstanding procedures in the departments, the PCA also came across inadequate procedures where the selection framework was incomplete and where there was insufficient objectivity and no alternative candidates were considered. The information upon which the Federal Council is expected to take a decision is very often incomplete. Personnel security screening is often not taken seriously enough. The Federal Council takes half its decisions without knowing the outcome of security screening checks; furthermore, some are only conducted after the appointment has been made. Despite the fact that the Federal Council, in its statement on the CC-N investigation of the Nef affair, announced it would take the necessary measures to ensure that the selection procedures would at all times be transparent in terms of the process, selection methods and decision taken, the PCA was in a number of cases unable to reconstitute certain procedures due to a lack of transparency.*

*Barely a day goes by without Switzerland's foreign policy drawing the attention of the media. It is not uncommon for such stories to report on difficulties or a lack of coordination among the different government departments involved, e.g. in connection with the tax dispute with the USA or the aircraft noise dispute with Germany. The PCA, commissioned by the CC-N, investigated whether problems regularly arose in terms of **interdepartmental cooperation on foreign policy** and how those directly involved rated the level of cooperation. The results of the evaluation were presented to the relevant sub-committee in July 2013, which is now in the process of drafting a report with the subsequent consequences and recommendations.*

*Around a fifth of the total costs of compulsory health insurance are attributed to the provision of medication. All medication paid for by compulsory health insurance must be added to the list of covered products by the Federal Office of Public Health. The CC mandated the PCA to evaluate the processes of **authorisation and appraisal of medication covered by health insurance**. The investigation is based on a legal opinion, an international comparison of systems and a systematic evaluation of the authorisation process for therapeutic products, as well as the review process after three years. The results of the investigation were presented to the relevant sub-committee in June 2013, which is currently discussing the subsequent consequences and recommendations.*

*Since the Agreement on the Free Movement of Persons (AFMP) came into force in June 2002, there has been a sharp increase in immigration from EU/EFTA member states. This led to a debate on the costs and benefits of the free movement of persons and on the ability of the authorities to control immigration. This is the background against which the CC instructed the PCA to evaluate the **residence of foreign nationals under the AFMP**, focusing on the impact of immigration and on the role of the federal government with regard to the implementation of the AFMP. The evaluation examines the residence histories of immigrants, in particular the extent to which immigrants claim unemployment or social benefits and whether this has consequences on their right to stay. It also examines whether federal agencies took the necessary steps to ensure that the cantons are able to adequately implement the agreement, and whether they fulfil their duty of supervision. The results of the evaluation were presented to the relevant sub-committee of the CC-N in November 2013, which is currently discussing the subsequent consequences and recommendations.*

Ongoing investigations

*The practice in the federal administration of drawing on external employees raises questions regarding its significance, transparency and appropriateness. The CC therefore instructed the PCA to carry out an investigation on **external employees in the federal administration**. The evaluation, based on case studies in nine federal offices across all seven government departments, should gauge the transparency of the process of drawing on external employees. In addition, it will examine the practice from a legal perspective and investigate how the working conditions of external employees compare with those of other employees with comparable roles. The evaluation will also consider the appropriateness and cost-effectiveness of the practice of drawing on external employees. The report should be presented to the relevant sub-committee in April 2014.*

*Since the publication of its security policy report in 1999, Switzerland has been guided by the motto “Security through cooperation”. The aim is for Switzerland’s armed forces to actively cooperate with other armed forces. To that end it has concluded a number of cooperation agreements in the fields of training and armaments. Given that little is known about the strategic aims and considerations underlying the **international cooperation undertaken by the Swiss armed forces** and about the processes surrounding their conclusion, and because such cooperation arrangements can impact on Switzerland’s reputation, the PCA was commissioned by the CC to analyse the aims, strategies and processes as well as the specific nature of cooperation with selected countries and their armed forces. The report is expected to be presented to the relevant sub-committee in the third quarter of 2014.*

*The supervisory and regulatory bodies which operate separate from the federal administration – such as the Swiss Financial Market Supervisory Authority (FINMA) and the Swiss Federal Nuclear Safety Inspectorate (ENSI) – have been the subject of criticism for some time. Doubt has been placed above all on the independence of the members of the respective management boards appointed by the Federal Council. These appointments are one of the few steering instruments the Federal Council has with regard to such bodies. Consequently, the CC commissioned the PCA to evaluate the **independence of regulatory and supervisory bodies**. Certain bodies will undergo a systematic examination concerning their legal basis, the implementation of the legal basis as well as the perception of the bodies’ independence by those concerned.*

*The **safeguarding of cultivable land** is enshrined in the Federal Constitution and in various federal acts. In the sectoral plan on cultivable crop rotation land published in 1992 the Federal Council set out requirements for the cantons stipulating what surface area of cultivable land they were to maintain. In view of the continual loss of cultivable land questions have arisen with regard to the effectiveness of the plan’s implementation. For the purposes of its evaluation the PCA will focus on the implementation of the sectoral plan and also consider the federal government’s supervision of the plan’s implementation by the cantons as well as its efforts to spare cultivable crop rotation land in respect of its own projects. In addition, it will consider the federal government’s efforts to supervise implementation by the cantons of requirements concerning the preservation of cultivable land as a whole, regardless of whether or not it formed part of the areas allotted as crop rotation land by the federal government.*

The full Annual Report is already available in German and French; the Italian version should be ready in March 2014: <http://www.parlament.ch> > Bodies and council members > Committees > Parliamentary Control of the Administration