

2015 Annual Report of the Parliamentary Control of the Administration' Summary

29 January 2016

The activities of the PCA in 2015 in brief

In the course of 2015, the UN International Year of Evaluation, the Parliamentary Control of the Administration (PCA) completed five evaluations and launched two new ones. In the year under review it also drafted proposals for the 2016 annual programme of the Federal Assembly's Control Committees (CCs) and drew up the framework for its process evaluations and follow-up monitoring by the CCs. In September 2015, to mark its 25th anniversary, it helped organise the Swiss Evaluation Society (SEVAL)'s conference on the theme of Evaluation and Independence.

Completed investigations

*Swiss security policy has been conducted since 1999 under the motto of 'Security through Cooperation', and since then Switzerland has concluded numerous international agreements on cooperation in the military field. As some of these have proved quite controversial, the CCs commissioned an evaluation of **international cooperation on military training and defence procurement**. The evaluation drew different conclusions for the two fields of training and defence procurement. In international training cooperation, the legal parameters provide broad scope there is a lack in place of a detailed strategy. However, the cooperation agreements and activities as a whole can be considered to be lawful and appropriate. By contrast, the PCA comes to a more critical conclusion regarding defence procurement cooperation. Firstly, it is unclear which cooperation agreements actually exist and what legal status they have. In the past, Parliament was not fully informed about existing agreements. Secondly, there is no steering of international cooperation activities, so it is uncertain whether they contribute to the efficiency and effectiveness of national security or if these activities are actually necessary in foreign policy terms. When Switzerland concludes a framework agreement on defence procurement or military training cooperation with another country, it should be aware that it is making a long-term commitment with a symbolic impact in the realm of foreign policy that extends beyond the military field.*

The supervisory and regulatory authorities that are not part of the central Federal Administration – such as the Swiss Financial Market Supervisory Authority and the Swiss Federal Nuclear Safety Inspectorate – have come in for criticism for some

¹ The annual report of the PCA is published as an appendix to the 2015 Annual Report by the Control Committees and the Control Delegations of the National Council and the Council of States.

time now. Questions are raised primarily about the independence of the management, whose members are appointed by the Federal Council. For this reason, the CCs commissioned the PCA with assessing **the independence of supervisory and regulatory authorities in the decentralised Federal Administration**. The evaluation focused on two main issues: firstly, an assessment of the statutory basis to ensure the independence of 16 supervisory and regulatory authorities, and secondly, the actual implementation of this legal basis in five selected authorities. The PCA concluded that the Federal Council is able in essence to guarantee this independence, but this is achieved in very different ways. There are shortcomings in the statutory regulations on independence in some cases. For example, there may be a lack of institutional separation between the authority and the central Federal Administration, and not all authorities have a code of conduct for management and staff. In terms of their application, the provisions on independence set out in the statutory regulations may not be entirely expedient, but in practice they currently pose few difficulties. Nonetheless, the evaluation showed that the Federal Council does not always make use of the steering instrument that is the power to appoint members of these decentralised authorities.

The preservation of agricultural land is set out in the Federal Constitution and in various federal laws. In the crop rotation areas sectoral plan of 1992, the Federal Council determined a minimum area of most productive agricultural land, so-called crop rotation areas, which are spread among the cantons and which the latter are responsible for preserving. In view of the continuing loss of cultivable land, questions are arising as to the effectiveness of these measures. The PCA evaluation concentrated on the implementation of the crop rotation area sectoral plan for the CCs, focusing on both the Confederation's supervision of cantonal enforcement and its efforts to protect the crop rotation areas in its own activities. In addition, the loss of agricultural land was recorded and described on the basis of land use statistics and the relevant bases in federal law on preserving arable land were assessed. It was concluded that current legislation does not do enough to preserve cultivable land, in particular the crop rotation areas. Notably, the law only provides a vague definition of what is considered a crop rotation area, and as a result the cantons have defined very different areas as such. As it is not clear in all the cantons which land is classified as a crop rotation area or how this can change, the Federal Administration is limited in its ability to object to the imminent loss of arable land or crop rotation areas. Furthermore, these areas are relatively poorly protected in the case of federal infrastructure projects (roads, railways, etc.) that encroach on arable land.

The 380 members of the diplomatic service at the Federal Department of Foreign Affairs are responsible for protecting and representing the interests of Switzerland abroad. In recent years, questions have arisen for a variety of reasons regarding **staff in the diplomatic service** (including lateral entrants, competitive entrance procedures, the skills currently required and early exit from the service). The PCA, at the CCs request, therefore examined which skills are defined for diplomatic service staff and what place they have in staff recruitment and retention processes and instruments. The results of the evaluation were presented to the relevant sub-committee of the Council of States CC in August 2015; the sub-committee is currently compiling a report of the conclusions and recommendations drawn from the evaluation.

*Under Article 1 of the Federal Act on Vocational and Professional Education and Training (VPETA), VPET is the joint responsibility of the Confederation, cantons and professional organisations. In view of the importance of **vocational and professional education and training** in Switzerland and criticism which has been voiced regarding the **quality of the partnership** between the players involved, the CCs tasked the PCA with evaluating the quality of this partnership. It looked primarily at how responsibilities are shared between the various players, and secondly at the partners' ability to define a strategic framework and to steer the established measures. It also examined how the management partnership functions when activities or projects in which the Confederation plays a key role take place. The PCA's report was presented to the relevant CC-N (National Council Control Committee) sub-committee in November 2015. The sub-committee is currently discussing the conclusions and recommendations that can be drawn from the evaluation.*

Ongoing investigations

*Free trade agreements have gained in importance substantially in recent years. They are designed to boost foreign trade and improve access to foreign markets for Swiss businesses. However, it is not always clear what **impacts free trade agreements** will have. On the one hand these are very difficult to measure, as developments in foreign trade are influenced by a range of political and economic factors. Furthermore, it is often not known how the Federal Council and Federal Administration assess the impacts and on what basis such an assessment is made. The CCs have therefore tasked the PCA with investigating and evaluating this issue. The results will be presented to the relevant CC-N sub-committee in the fourth quarter of 2016.*

*An increasing number of Swiss cities and communes are introducing **electronic vote counting (e-counting)**. Voting still occurs on ballot paper, but these are then scanned and counted by customised software, enabling the results of popular votes to be determined more quickly and more efficiently. However, questions are raised over the security of this process, and the scope for manipulation. The law states that the Federal Council must approve the use of electronic counting in federal elections and votes. However, there are issues regarding the appropriateness and legality of this approval procedure and the criteria on which it is based. The CCs have therefore commissioned the PCA to evaluate these aspects. The PCA is due to report to the CC-N in the first quarter of 2017.*

New evaluations in 2016

*When approving their annual programme on 29 January 2016, the CCs tasked the PCA with conducting two new evaluations on the **Confederation's involvement in economic sanctions** and the **administrative detention for asylum seekers**. The CCs have also set the **application of various population scenarios** as a reserve subject for an investigation.*

The full Annual Report is already available in German and French; the Italian version should be ready in March 2016: www.parlament.ch > Bodies and council members > Committees > Parliamentary Control of the Administration