Module S1
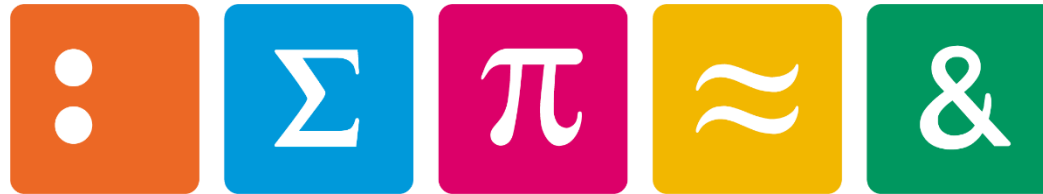# "Microeconomics & Accounting"

Sociopolitics

IV. The Swiss political system (Third part)

Prof. Dr. Marc Schnyder

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Hierarchy of norms

The main norms in brief (Moor, 1994; Fagone, 2012):

- Constitution

    - Fundamental act on which the State is based.

    - Structure, competences and objectives.

    - Division of tasks between the cantons and the Confederation and limits the activities of the state (freedom of the press).

    - Delimitation of the fields of activity of the State.

Hierarchy of norms

The main norms in brief (Moor, 1994; Fagone, 2012):

- Law

    - Law in the formal sense is any non-constitutional rule of law adopted by Parliament and submitted to a referendum under the ordinary legislative procedure.

    - Law in the material sense refers to any type of normative text (a Federal Council ordinance).

- Ordinance

    - The ordinance is a rule of law that is adopted in a procedure that is not subject to referendum.

    - Parliament and Government.

    - Must comply with the Act (in the formal sense) and the Constitution.

    - So be it:

        - Specify a law
        - Complete a law

Hierarchy of norms

The hierarchy of norms (Moor, 1994; Fagone, 2012):

Purpose: To ensure the coherence of the state's activities

- Superior rules of law prevail over inferior rules of law.

- The lower rules of law must be consistent with the higher rules of law.

- The norm can only be modified or abolished by the authority that issued it or by a higher authority (e.g. FC cannot abrogate an act of parliament).

Corresponds to the hierarchy of the State organs ➔ the more heavy the procedure for adopting a norm, the higher the norm is hierarchically.

1. The Constitution (the people and the cantons),

2. The Law (Parliament),

3. Ordinances (the Government).

Applies to the structure of the state

- Federal state law prevails over cantonal law.

- Any federal law takes precedence over any cantonal law that conflicts with it.

Legislative process

4 phases (Sciarini, 2006):

- The impulse;

- The pre-parliamentary phase;

- The parliamentary phase;

- The referendum phase.

https://www.swissinfo.ch/eng/politics/explainer_how-many-steps-does-it-take-to-pass-a-swiss-law-/45280436
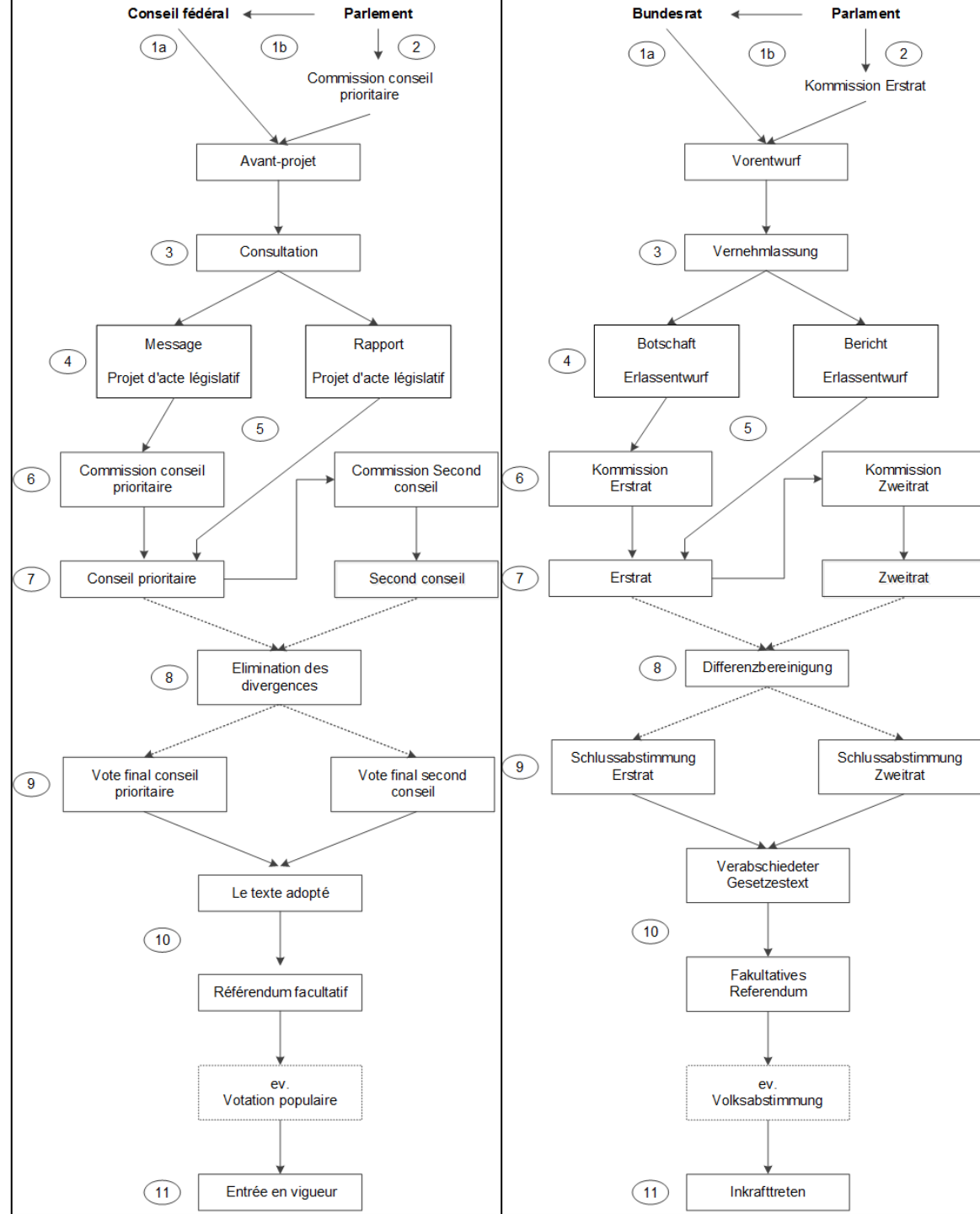
https://www.youtube.com/watch?v=MSTRSefGiec

https://www.ch-info.swiss/fr/edition-2021/das-parlament/weg-zu-einem-neuen-gesetz

https://www.youtube.com/watch?v=PyOLwpN8ARk

Legislative process

The process in detail

https://www.ch.ch/en/demokratie/laws-in-switzerland-and-international-laws/comment-fait-on-une-loi4/

Conseil fédéral ← **Parlement**
1a   1b   2
Commission conseil prioritaire

Avant-projet

3   Consultation

4   Message / Projet d'acte législatif   Rapport / Projet d'acte législatif

5

6   Commission conseil prioritaire   Commission Second conseil

7   Conseil prioritaire   Second conseil

8   Elimination des divergences

9   Vote final conseil prioritaire   Vote final second conseil

Le texte adopté

10   Référendum facultatif

ev. Votation populaire

11   Entrée en vigueur

Bundesrat ← **Parlament**
1a   1b   2
Kommission Erstrat

Vorentwurf

3   Vernehmlassung

4   Botschaft / Erlassentwurf   Bericht / Erlassentwurf

5

6   Kommission Erstrat   Kommission Zweitrat

7   Erstrat   Zweitrat

8   Differenzbereinigung

9   Schlussabstimmung Erstrat   Schlussabstimmung Zweitrat

Verabschiedeter Gesetzestext

10   Fakultatives Referendum

ev. Volksabstimmung

11   Inkrafttreten

Legislative process

The process in detail

1. The vast majority of bills are drafted by the Federal Council. They originate from the Federal Council's right of initiative (1a) or from a mandate given to it by Parliament by means of a motion (1b).

2. A bill may also be drafted at the request of a deputy, a parliamentary group, a committee (in all three cases, it is a parliamentary initiative) or a canton (cantonal initiative). If Parliament decides to act on an initiative, the relevant committee of one of the Councils is responsible for drafting the bill, not the Federal Council.

3. The preliminary draft is usually sent for consultation by the competent committee or the Federal Council.

4. After the consultation, the draft law is prepared and sent to the councils with the message or explanatory report.

5. The councils consider the bill one after the other. The presidents of the councils designate the chamber that will have priority of consideration (priority council). In the event of disagreement, the matter is decided by drawing lots.

https://www.parlament.ch/en/%C3%BCber-das-parlament/parlamentsw%C3%B6rterbuch/parlamentsw%C3%B6rterbuch-detail?WordId=102

The process in detail

6. The committees responsible for the subject matter examine the project in advance, submit proposals to their council and appoint a rapporteur who is responsible for defending the committee's proposals before the council (the National Council committees generally appoint a rapporteur for German and a rapporteur for French).

7. Each council first decides whether it wishes to enter into discussion of the bill (introductory debate). If it decides to enter into the matter (material introduction), it proceeds to the examination of the bill (discussion by article), then to the vote on the bill as a whole.

8. In some cases, there may be differences between the two Councils, and this is when the procedure for eliminating differences comes into play. If differences remain after three deliberations in each council, a conciliation conference is appointed to seek a compromise solution.

https://www.parlament.ch/en/%C3%BCber-das-parlament/parlamentsw%C3%B6rterbuch/parlamentsw%C3%B6rterbuch-detail?WordId=102

The process in detail

9. If the decisions of the two councils are in agreement, the text is submitted to a final vote during the last meeting of the session in both councils. The law is then published in the Federal Gazette (*Bundesblatt*, *Feuille fédérale*).

10. If an optional referendum is held against this law, it will be put to a popular vote.

11. If no referendum is held or if the law has been adopted by the people, it is published in the Official Compilation (*Amtliche Sammlung*, *Recueil officiel*) with an indication of the date of its entry into force.

https://www.parlament.ch/en/%C3%BCber-das-parlament/parlamentsw%C3%B6rterbuch/parlamentsw%C3%B6rterbuch-detail?WordId=102

Source: buero_superman_1501735.jpg (500×468) (toonpool.com)

Public Administration

Simple definition: "state in action", "state apparatus".

- If there were no public administration, any form of public action would be impossible.

- Government activity requires public administration to support that activity.

It is not just subordination (not just an executive body), but something more complex. It can also influence political power and the whole political process.

- Autonomy of its own.

- Capacity for initiative.

Political power passes while public administration lasts. There are different temporalities. A public administration is not going to stop.

Source: https://baripedia.org/wiki/Qu%E2%80%99est-ce_qu%E2%80%99une_administration_publique_%3F

Public Administration

Elements of definition

- An organization involving the cooperation of several people to achieve one or more objectives.

- This coordination is guaranteed by the existence of a hierarchy, as well as by the existence of written impersonal rules. These must regulate the functioning of the public administration, but also the recruitment and promotion of civil servants within it.

- Cooperation implies specialization or division of tasks, which requires some coordination.

- This cooperative effort takes place in a public arena (the administration plays an important role in the formulation and implementation of public policies and is therefore an integral part of the political process).

Source: https://baripedia.org/wiki/Qu%E2%80%99est-ce_qu%E2%80%99une_administration_publique_%3F

Public Administration

Elements of definition

- Its role in the public arena subjects it to formal and informal scrutiny by politicians and the public (accountability).

- Administration is public in the sense that:

    - It carries out, on behalf of the entity that holds the monopoly of legitimate coercion, activities that affect the choice of ends and the allocation of resources within a given society;

    - It provides services to the community and serves the general interest (vs. special or vested interests);

    - It has a global competence (it pursues a large number of objectives) which it implements to satisfy the public interest.

- Public administration is fundamentally different from private administration: public goods and services are not sold on a market, the administration exercises in continuity and on the whole national territory.

Source: https://baripedia.org/wiki/Qu%E2%80%99est-ce_qu%E2%80%99une_administration_publique_%3F

Public Administration

Some features

- Equal treatment.

- The company can persuade, the state can coerce.

- Public goods and services:

    - Geographical accessibility to a service;

    - Affordability (no one should be excluded from public service on the basis of price or cost);

    - Quality of services (access to services of acceptable quality must be provided);

    - Adaptability of these services (the public service must be in line with the needs of the citizens).

- Pursuit of the public interest.

Public Administration

The 3 powers of public administrations (Bezes, 2004)

- Shaping power

    - Public servants are not simply executors of the rules in action or of the regulations decided by politicians, they also participate in the development of these texts.

    - The legislative texts will give very general and vague objectives to the people in the field of administration, leaving a large margin of manoeuvre for civil servants to know in which direction they will implement and apply these texts.

- Intermediation power

    - Public administration is an interface between different actors involved in a public policy.

    - The public administration will be in contact with the different groups.

    - The administration "plays" with the different groups.

Public Administration

The 3 powers of public administrations (Bezes, 2004)

- Power of implementation

    - Complexity of reality means that, in practice, there must be room for manoeuvre (always a degree of discretion).

    - The way in which actors will interpret existing laws, sometimes not even having to apply them, leaves a space for autonomy that is almost inevitable.

        - Information asymmetry: a person on the ground has much more information to make a decision than his boss or the government that made the decision to enact the law.

        - Qualification and expertise: people in the field acquire a qualification and expertise that their bosses or political decision-makers do not necessarily have.

Public Administration

Overview of the

Federal Administration

President of the Swiss Confederation

Vice President

Viola Amherd

Head of the Federal Department of Defence, Civil Protection and Sport

Member of the Federal Council since 2019

Party affiliation
The Centre

Karin Keller-Sutter

Head of the Federal Department of Finance

Member of the Federal Council since 2019

Party affiliation
FDP

Guy Parmelin

Head of the Federal Department of Economic Affairs, Education and Research

Member of the Federal Council since 2016

Party affiliation
SVP

Ignazio Cassis

Head of the Federal Department of Foreign Affairs

Member of the Federal Council since 2017

Party affiliation
FDP

The president is of equal standing to the other members of the Federal Council, but chairs the meetings and represents the government in its external dealings

https://www.bk.admin.ch/bk/en/home/dokumentation/Swiss-Confederation-brief-guide.html

Public Administration

Overview of the

Federal Administration

Federal Chancellor

Albert Rösti

Head of the Federal Department of the Environment, Transport, Energy and Communications

Member of the Federal Council since 2023

Party affiliation

SVP

Elisabeth Baume-Schneider

Head of the Federal Department of home Affairs

Member of the Federal Council since 2023

Party affiliation

SP

Beat Jans

Head of the Federal Department of Justice and Police

Member of the Federal Council since 2024

Party affiliation

SP

Viktor Rossi

In office since 2024

Party affiliation

GLP

The Federal Chancellor is the Federal Council's chief of staff and heads the Federal Chancellery (→ p. 56). He is also elected by Parliament.

https://www.bk.admin.ch/bk/en/home/dokumentation/Swiss-Confederation-brief-guide.html

Public Administration

Overview of the

Federal Administration

(Federal Council)

https://www.bk.admin.ch/bk/en/home/dokumentation/Swiss-Confederation-brief-guide.html

Preparing legislation

The Federal Council submits new laws to Parliament and proposals on how to implement decisions taken in popular votes. Its proposals receive broad support: they take account of the views of the cantons, parties, associations and concerned groups, which are expressed in a consultation process. After these consultations, the Federal Council submits its bill to Parliament for debate and a decision.
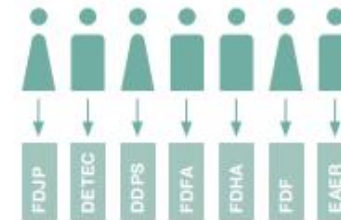
Implementing the decisions of Parliament

As soon as Parliament has decided on a new law, the Federal Council issues the required ordinances. They set out the specifics on how the new law should be implemented. If Parliament requests particular measures, the Federal Council ensures that these are taken.

Providing information

The Federal Council informs the cantons, Parliament and the public about its decisions via a range of channels. It explains proposals that are being voted in a red booklet, which is posted to voters with their ballot papers and published on the internet.

Instagram: @gov.ch
Twitter: @BR_Sprecher
YouTube: Swiss Federal Council
Web: www.admin.ch, www.ch.ch
Apps: VoteInfo, CH info

Heading the Federal Administration

FDJP | DETEC | DDPS | FDFA | FDHA | FDF | EAER

The Federal Council is in charge of the Federal Administration, which has around 40,000 employees. The Administration is organised into seven government departments. Each member of the Federal Council is the head of a department (→ p. 54/55).

Public Administration

Overview of the

Federal Administration

https://www.bk.admin.ch/bk/en/home/dokumentation/Swiss-Confederation-brief-guide.html

Staff office

FCh
Federal Chancellery

Viktor Rossi
Federal Chancellor

Autonomous organisation

Office of the Federal Data Protection and Information Commissioner

FDFA
Federal Department of Foreign Affairs

Ignazio Cassis
Head of Department

General Secretariat

State Secretariat

Directorate of International Law

Consular Directorate

Swiss Agency for Development and Cooperation

Directorate for Resources

FDHA
Federal Department of Home Affairs

Elisabeth Baume-Schneider
Head of Department

General Secretariat

Federal Office of Culture

Federal Office of Meteorology and Climatology MeteoSwiss

Federal Office of Public Health

Federal Food Safety and Veterinary Office

Federal Statistical Office

Federal Social Insurance Office

Federal Office for Gender Equality

Swiss Federal Archives

Autonomous organisations

Swiss Agency for Therapeutic Products Swissmedic

Swiss National Museum

Swiss Arts Council Pro Helvetia

FDJP
Federal Department of Justice and Police

Beat Jans
Head of Department

General Secretariat

State Secretariat for Migration

Federal Office of Justice

Federal Office of Police fedpol

Post and Telecommunications Surveillance Service

Autonomous organisations

Federal Institute of Intellectual Property

Federal Institute of Metrology

Swiss Institute of Comparative Law

Federal Audit Oversight Authority

Federal Gaming Board

Federal Commission on Migration

Federal Arbitration Commission for the Exploitation of Copyrights and Related Rights

National Commission for the Prevention of Torture

Public Administration

Overview of the

Federal Administration

https://www.bk.admin.ch/bk/en/home/dokumentation/Swiss-Confederation-brief-guide.html

DDPS
Federal Department of Defence, Civil Protection and Sport

Viola Amherd
Head of Department

General Secretariat

State Secretariat for Security Policy

National Cyber Security Centre

Federal Office for Civil Protection

Federal Office for Defence Procurement armasuisse

Federal Office of Topography

Federal Office of Sport

Defence sector

Federal Intelligence Service

Office of the Armed Forces Attorney General

FDF
Federal Department of Finance

Karin Keller-Sutter
Head of Department

General Secretariat

State Secretariat for International Finance

Federal Office for Customs and Border Security

Federal Office of Information Technology, Systems and Telecommunications

Federal Office for Buildings and Logistics

Federal Finance Administration

Federal Office of Personnel

Federal Tax Administration

Autonomous organisations

Swiss Financial Market Supervisory Authority

Swiss Federal Audit Office

Federal Pension Fund PUBLICA

EAER
Federal Department of Economic Affairs, Education and Research

Guy Parmelin
Head of Department

General Secretariat

State Secretariat for Economic Affairs SECO

State Secretariat for Education, Research and Innovation

Federal Office for Agriculture

Federal Office for National Economic Supply

Federal Office for Housing

Federal Office for Civilian Service

Autonomous organisations

Office of the Price Supervisor

Competition Commission

Board of the Federal Institutes of Technology ETH

Swiss Federal Institute for Vocational Education and Training

Swiss Innovation Agency Innosuisse

DETEC
Federal Department of the Environment, Transport, Energy and Communications

Albert Rösti
Head of Department

General Secretariat

Federal Office of Transport

Federal Office of Civil Aviation

Swiss Federal Office of Energy

Federal Roads Office

Federal Office of Communications

Federal Office for the Environment

Federal Office for Spatial Development

Autonomous organisations

Swiss Federal Nuclear Safety Inspectorate

Federal Inspectorate for Heavy Current Installations

Swiss Transportation Safety Investigation Board

Federal Electricity Commission

Federal Communications Commission

Independent Complaints Authority for Radio and Television

Federal Postal Services Commission

Rail Transport Commission

Over 260 different professions can be learnt in Switzerland – 50 of those in the Federal Administration.