

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
STATE SECRETARIAT FOR ECONOMIC AFFAIRS OF THE SWISS
CONFEDERATION
AND THE
DEPARTMENT FOR INTERNATIONAL TRADE OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND

DETERMINED to maintain and develop the close trade relations between the Swiss Confederation ("Switzerland") and the United Kingdom of Great Britain and Northern Ireland ("the United Kingdom");

RECOGNISING that the trade-related agreements concluded between Switzerland and the European Union ("Switzerland-EU Trade Agreements") will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union or when any transitional period or implementation period will terminate during which the rights and obligations under those agreements continue to apply to the United Kingdom;

DESIRING that the rights and obligations between Switzerland and the United Kingdom as provided for at present by the Switzerland-EU Trade Agreements should continue to apply with the least possible interruption or disturbance in a mutually advantageous manner between Switzerland and the United Kingdom;

CONSIDERING that, to this effect, a Trade Agreement between Switzerland and the United Kingdom ("Switzerland-United Kingdom Trade Agreement") incorporating the Switzerland-EU Trade Agreements, wherever possible and *mutatis mutandis*, is intended to come into effect when the Switzerland-EU Trade Agreements cease to apply to the United Kingdom;

NOTING that the representatives of the United Kingdom and of the European Union have agreed, in the context of their negotiations on a "Withdrawal Agreement", that the European Union will notify Switzerland that during an implementation period, the United Kingdom is to be treated as a Member State for the purposes of the Switzerland-EU Trade Agreements;

RECOGNISING that the "Withdrawal Agreement" may not be in effect at the time of signing of the Switzerland-United Kingdom Trade Agreement, nor at the time that the Trade Agreement comes into effect;

RECOGNISING that continuation, between Switzerland and the United Kingdom, of certain rights and obligations set out in the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment, done at Luxembourg on

21 June 1999 ("Switzerland-EU Mutual Recognition Agreement"), the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, done at Luxembourg on 21 June 1999 ("Switzerland-EU Agriculture Agreement") and the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures, done at Brussels on 25 June 2009 ("Switzerland-EU Customs Security Agreement") would require alignment or equivalence by corresponding arrangements between the United Kingdom and the European Union;

RECOGNISING that the conclusion of the Switzerland-United Kingdom Trade Agreement should not prejudice the outcome of the ongoing negotiations between the United Kingdom and the European Union;

THE STATE SECRETARIAT FOR ECONOMIC AFFAIRS OF THE SWISS CONFEDERATION AND THE DEPARTMENT FOR INTERNATIONAL TRADE OF THE UNITED KINGDOM (TOGETHER REFERRED TO AS "THE PARTICIPANTS") HAVE REACHED THE FOLLOWING UNDERSTANDINGS:

1. To continue their dialogue aimed at ensuring continuity in their trade relations, before the Switzerland-United Kingdom Trade Agreement comes into effect.
2. To examine, in particular, to what extent Annexes 4 to 6, 9 and 11 to the Switzerland-EU Agriculture Agreement; Chapters 1 to 11, 13 and 16 to 20 of Annex 1 to the Switzerland-EU Mutual Recognition Agreement; and the Switzerland-EU Customs Security Agreement, may be applied, *mutatis mutandis*, between Switzerland and the United Kingdom with or without further modifications, or be replaced by new arrangements in the interest of both of Switzerland and the United Kingdom.
3. To immediately continue to work towards arrangements that allow for the mutual recognition of conformity assessment bodies in sectors covered by the Switzerland-EU Mutual Recognition Agreement with the aim of bringing these into effect on the date that the Switzerland-United Kingdom Trade Agreement comes into effect.
4. Based on the findings of the Participants under the process described under paragraphs 2 and 3, in order to prepare decisions of the relevant Joint Committees, if appropriate, to apply the arrangements referred to in paragraph 2 between Switzerland and the United Kingdom.
5. Preferably within 24 months from the date the United Kingdom withdraws from the European Union, regardless as to whether the Switzerland-United Kingdom Trade Agreement has come into effect, to conduct exploratory discussions with a view to replacing or modernising the

Switzerland-United Kingdom Trade Agreement, and without prejudice to any domestic consultations the Participants may hold, to consider:

- a. developments in the relations between Switzerland and the United Kingdom as well as between each of them and third parties;
 - b. developments in other international fora, in particular in the WTO; and
 - c. additional areas, such as trade facilitation, trade in services, protection of intellectual property rights, labour, environment, trade remedies, and dispute settlement.
6. This Memorandum is a statement of intent but is not intended as a legally binding document and does not create any legally binding obligations under international law.
7. This Memorandum will come into operation on signature and will continue in operation until terminated by either Participant giving written notice to the other.

The foregoing record represents the understandings reached between the State Secretariat for Economic Affairs of the Swiss Confederation and the Department for International Trade of the United Kingdom upon the matters referred to therein.

Berne, ¹⁹ December 2018

For the State Secretariat for Economic
Affairs of the Swiss Confederation:



London, ^{January 2019} ~~14~~ December 2018

For the Department for International Trade of the
United Kingdom of Great Britain and Northern
Ireland:

