



Regulation of professions

Trade in medicines

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Introduction

Under the Agreement on the Free Movement of Persons (AFMP¹), professionals from the EU can have their qualifications recognised if the profession for which they are qualified in their country of origin is regulated in Switzerland.

This document aims to describe the Swiss regulations in the sector concerned. Regulated professions are those that are subject to specific training requirements and where access to the profession in question is only possible for professionals holding a specific qualification that is defined in relation to the Swiss education system. Foreign professionals can only access a regulated profession or occupation once their qualifications have been recognised.

If holders of foreign professional qualifications wish to pursue a profession or occupation other than those described in this document, they are free to do so without obtaining recognition of their qualifications (non-regulated profession). In this case, it is the job market which will dictate their chances of finding employment or being awarded jobs in the case of self-employed persons.

The specific aspects of the procedure relating to **service providers** (as opposed to cases of permanent establishment in Switzerland) are described at the end of this document.

What activities are regulated and what are the various types of authorisation?

This field is mainly governed by Federal legislation. Regulated activities and the various types of authorisation are set forth in the Therapeutic Products Act², the Medicinal Products Licensing Ordinance³ and the Therapeutic Products Ordinance⁴.

This legislation provides for the following authorisations⁵:

¹ Bilateral agreement of 21 June 1999 between the Swiss Confederation and the European Community and its Member States on the free movement of persons, SR 0.142.112.681.

² Federal Act of 15 December 2000 on Medicinal Products and Medical Devices, SR 812.21.

³ Ordinance of 17 October 2001 on Licensing in the Medicinal Products Sector, SR 812.212.1.

⁴ Ordinance of 17 October 2001 on Therapeutic Products, SR 812.212.21.

⁵ For more details, see: www.swissmedic.ch.

Authorisation	Types	Description	Competent authority	Comments
Production (technical manager)	A, Ax	A : production of intermediate products and medicines ready for use Ax : production of active ingredients	Swissmedic	These different authorisations can be combined with one another
Wholesale	Cex, Cin	Cex : wholesale, products not released onto the market Cin : wholesale, products released onto the market	Swissmedic	
Importation	Bex, Bin	Bex : Imports, products not released onto the market Bin : Imports, products released onto the market	Swissmedic	
Exportation	D		Swissmedic	
Foreign sales	E		Swissmedic	
Retail	(cantonal authorisation)	Medicines are sold through a pharmacy, druggist or other retail establishment	Cantonal authority (generally the services of the cantonal pharmacist)	
Operation of transfusion centre (technical manager)	-		Swissmedic	

More details can be found on the Swissmedic website⁶.

Training required

The type of training required depends on the type of authorisation. For example, a degree in pharmaceuticals is required for the production of intermediate products and medicines ready for use. Other categories of professionals, e.g. midwives or paramedics, may also obtain authorisation to use prescription drugs in certain cases. Swissmedic can also indicate which qualification is required for specific types of authorisation. This enables one to determine which authority is responsible for recognition of a given qualification: MEBEKO for degrees in pharmaceuticals; Swiss Red Cross for qualifications issued to midwives and paramedics).

⁶ Specifically: www.swissmedic.ch > Licensing > Overview

Specific details for EU/EFTA citizens who wish to provide services in Switzerland

Basic principle

In accordance with the Agreement on the Free Movement of Persons (AFMP), professionals who are legally established in the EU/EFTA may provide services in Switzerland without permanently establishing themselves in the country. In such cases, the duration of service provision is limited to 90 days per calendar year.

If the profession they wish to pursue is regulated, they can take advantage of a fast-track verification procedure for their professional qualifications, as set out in EU Directive 2005/36/EC⁷ and the DRPA⁸. The service provision **must be declared in advance to SERI**⁹.

Other obligations

In all cases, persons intending to provide services **must also register with the State Secretariat for Migration** (<https://www.sem.admin.ch> > Entry & Residence > Notification procedure for short-term work in Switzerland). This obligation also applies to non-regulated professions.

Who is a service provider?

Service provision is an economic activity that is practised on a self-employed basis or without conclusion of an employment contract with a Swiss employer. It is remunerated work of a temporary or occasional nature (limited to 90 working days per calendar year) carried out in Switzerland by an individual who is established in a country of the EU or EFTA. If you require further information, SERI provides a more detailed note on the concept of a service provider on its website.

Persons who are not service providers within the meaning of the AFMP will not be able to take advantage of the fast-track qualification verification procedure. They should instead have their qualifications recognised in accordance with Title III of directive 2005/36/EC by contacting the competent authority.

⁷ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ L 255 of 30.9.2005, p. 22, in the version in effect according to the Agreement on the Free Movement of Persons and the revised EFTA Convention.

⁸ Federal Act of 14 December 2012 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions, DRPA, SR 935.01.

⁹ www.sbf.admin.ch/edeclaration