



Regulation of professions

Building contractors

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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.

Territorial scope

In the absence of federal legislation in this area, it is up to individual cantons to decide whether to regulate the building contractor profession. As things currently stand, this profession is regulated **only the canton of Ticino**.

In all other Swiss cantons, the building contractor profession is not regulated. Consequently, anyone may work in this capacity without having to obtain prior recognition of his or her foreign qualifications.

What activities require the verification of professional qualifications?

In General: building contractors are the persons primarily responsible for managing and organising the activities of a construction company. All work on the structure of buildings (main and secondary contract work) is regulated and therefore subject to the declaration requirement.

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, RS 0.142.112.681.

Activities affected: the **regulated activities** include main and secondary contract work (masonry, civil engineering, road construction, etc.), and, in particular, activities that are carried out under the supervision of a civil engineer, an architect or a building contractor. These activities also include masonry work, concrete casting and reinforcement, and civil engineering work for the construction of roads, bridges and railways.

Activities not affected: the following fields of activity in particular are **not regulated**:

- Air-conditioning and cooling system installers
- Asphalt workers
- Carpenters
- Composition floor layer
- Concrete and terrazzo flooring specialists
- Concrete drillers and cutters
- Dehumidification contractors
- Floorers
- Glaziers
- Installers of standardised prefabricated construction components (e.g. windows, doors, frames, shelving)
- Joiners / cabinetmakers
- Joiners (for building construction)
- Painters and varnishers
- Parquet recliners
- Piling (hydraulic pile driving)
- Pipe and drain cleaners
- Plasterers
- Plumbers / tinsmiths
- Plumbers and heating installers
- Roller shutter and blind builders
- Roofers
- Scaffolders
- Sheet metal workers
- Stonemasons and stone sculptors
- Stove fitters (builders of stoves and air-heating systems)
- Thermal and noise (reduction) insulation installers
- Tilers, pavers and mosaic layers
- Well borers
- Wood and building preservation (wall protection and wood impregnation in buildings)

Financial limit: the above-mentioned **regulated** activities are subject to the declaration requirement, if the scope of work amounts to a minimum of CHF 30,000. Less extensive work is not regulated and may be performed regardless of the canton, i.e. without any verification of professional qualifications. The above information concerning the declaration to the State Secretariat for Migration (SEM) applies in any case.

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 the EU directive 2005/36/EC² and the DRPA³. The service provision **must be declared in advance to SERI**⁴.

Other obligations

In all cases, persons intending to provide services **must also register with the State Secretariat for Migration** (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.

² 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 current version in accordance with the agreement on the free movement of persons and the revised EFTA Convention.

³ Federal Act of 14 December 2012 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions, SR 935.01.

⁴ www.sbf.admin.ch/edeclaration