



## Regulation of professions in the

# Forestry sector

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### Introduction

Under the Agreement on the Free Movement of Persons (AFMP<sup>1</sup>), professionals from the EU can have their qualifications recognised if the professional activity 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 professional activities are those that are subject to specific training requirements and where access to the professional activity 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 professional activity once their qualifications have been recognised.

If holders of foreign professional qualifications wish to pursue a professional activity other than the ones described in this document, they are free to do so without obtaining recognition of their qualifications (non-regulated professional activity). In this case, it is the labour market that will dictate their chances of finding employment or securing contracts 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.

### Federal and cantonal regulations

In the area of forestry work, the authority to regulate professions is split between the Confederation and the cantons:

- Senior position in the public forestry service: federal legislation 'regulates the eligibility for senior office in the public forestry service'<sup>2</sup>.

This position is not considered as employment in the public service within the meaning of Article 10 of Annex I AFMP. It does, however, concern very specific positions which are generally limited to a few individuals per canton (e.g. manager of the 'forestry' division within the competent cantonal department, position of forest warden, manager of a forest district, etc.). Such positions assume a permanent employment relationship with a cantonal authority.

<sup>1</sup> 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.

<sup>2</sup> Art. 51 para. 2 of the Forest Act (RS 921.0).

- Forest workers: federal law imposes a minimum training period of ten days for forest workers employed by third parties. In very broad terms, this refers to any work in forests that requires machinery which may present a danger if used incorrectly.

#### **Qualifications required:**

##### ➤ **for managers of a forest district or timber yard**

In Switzerland, the position of manager of a forest district requires a tertiary-level qualification in the field of forestry and work experience. Swiss legislation does not require a specific Swiss qualification in order to carry out this professional activity, i.e. it is not regulated within the meaning of Directive 2005/36/EC on the recognition of professional qualifications.

Holders of foreign professional qualifications can have their qualifications recognised by Swiss universities. However, there is no obligation to do so because the professional activity in question is not regulated in Switzerland. The recognition procedure is exclusively carried out online,<sup>3</sup> after having read the explanations provided on the SERI website and clicking on the link indicated on the last page<sup>4</sup>.

It is up to the cantonal authorities to decide on the level of work experience deemed sufficient.

##### ➤ **for forest workers**

Individuals who work in the forest on behalf of third parties must be able to prove that they have undergone at least ten days of training on the dangers of forestry work. Courses recognised by the Confederation must cover the basics of occupational safety, in particular proper and safe felling, delimiting, sawing and skidding of trees and tree trunks.<sup>5</sup>

Given the mandatory nature of these training courses, this professional activity is deemed regulated.

#### **What should I do if I hold foreign professional qualifications?**

Forestry engineers intending to work as a manager of a forest district or timber yard or in another capacity (with the exception of forestry worker) may work in Switzerland without having to obtain recognition of their qualifications. None of these professional activities are regulated in Switzerland.

Forestry work is considered to be a regulated professional activity in Switzerland, which means that persons wishing to work in this capacity must obtain recognition of the occupational safety training courses that they have attended. Forest workers who wish to have their qualifications recognised should contact the competent cantonal authority.

#### **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.

<sup>3</sup> [www.sbf.admin.ch/diploma](http://www.sbf.admin.ch/diploma) > Recognition Procedure on Establishment > SERI Declaration Procedure > Online Platform / Procedure and Duration

<sup>4</sup> <https://www.sbf.admin.ch/sbf/en/home/bildung/recognition-of-foreign-qualifications/recognition-procedure-on-establishment/procedure-at-seri/procedure-and-duration.html>

<sup>5</sup> For complete information about training content: [www.coursbucherons.ch](http://www.coursbucherons.ch). The cantonal authorities (Department of the Environment, Forestry Office) will gladly provide you with more details.

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/EC<sup>6</sup> and the DRPA<sup>7</sup>. The service provision **must be declared in advance to SERI**<sup>8</sup>.

#### *Principle applied in forestry activities*

Management of a forest district or timber yard is not a regulated professional activity in Switzerland and therefore not subject to a mandatory declaration to SERI.

Forestry workers, however, must submit a mandatory declaration to SERI before working in this capacity.

#### *Other obligations*

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

#### *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.

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<sup>6</sup> 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.

<sup>7</sup> Federal Act of 14 December 2012 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions, SR 935.01.

<sup>8</sup> [www.sbf.admin.ch/edeclaration](http://www.sbf.admin.ch/edeclaration)