



EU/EFTA service providers in Switzerland Note relating to individuals providing services as

Hiking guides

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Introduction

In accordance with the Agreement on the Free Movement of Persons (AFMP¹), professionals who are legally established in a country of the EU/EFTA are allowed to provide services in Switzerland for a maximum period of 90 days per calendar year.

They are subject to an accelerated procedure for the verification of professional qualifications, which is governed by directive 2005/36/EC² and the DRPA³. The provision of services must be **declared in advance** to the **SERI**.

This document explains the detailed regulations for practicing the profession and primarily aims to explain for which professional activities the procedure for verifying qualifications is required and when it is not.

Defining the activity

The profession of hiking guide is regulated in Switzerland, meaning that holders of professional qualifications obtained abroad must have their qualifications recognised or verified **before** providing the services, provided the services in question fall into the categories set out in the legislation.

At federal level, the Ordinance on High-Risk Activities⁴ defines the regulated activity of hiking guide as follows:

- Below a certain level of difficulty, hiking guide is not considered a high-risk activity and can be practiced freely, without a declaration or licence (unregulated profession).
- Above a certain level of difficulty, the activity can only be practiced by mountain guides and is therefore prohibited for hiking guides.

¹ 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 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 September 2005, p. 22, in the version in effect under the Agreement on Free Movement 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 Ordinance on Mountain Guides and Organisers of other High-Risk Activities (SR 935.911; hereinafter: the Ordinance).

The Ordinance defines the following criteria:

- Nature of the activity: in order to fall under the field of application of the Ordinance mentioned above, and therefore to be subject to the declaration requirement, the activity of hiking guide must:
 - be primarily carried out on Swiss soil. Therefore, any temporary passage on Swiss territory as part of a route that starts and finishes outside of Switzerland, does not need to be declared in advance;
 - be practiced on a professional or commercial basis to generate a primary or secondary income of at least CHF 2,300 per year⁵. This income must come exclusively from the practice of the professional activity in question on a commercial basis. Income linked to the practice of activities in clubs or societies or linked to education (e.g. alpine club, sports club, ramblers' society, teacher at a school or university) should not be taken into account.
- Duration of the activity: service providers are allowed to practice the relevant activities professionally in Switzerland for a period of between one and ten days per calendar year without a licence (or having to go through the advance declaration procedure with the SERI) provided:
 - they do not make use of any business premises in Switzerland,
 - they hold a licence to practice the activity concerned professionally in a member state of the EU or EFTA.

From the 11th day onwards, the individual who practices the activity must follow the declaration procedure. This can be done online with the SERI.

Beyond 90 days of activity, a procedure for recognising the individual's qualifications must be initiated with the responsible department at the SERI, although a licence to practice will be awarded by the canton concerned once the conditions are met.

- Type of terrain for summer hikes: guides on summer hikes at levels T1 to T3 do not require a licence. Only mountain guides can supervise hikes at levels T4 or above. Hiking guides cannot therefore carry out the activity on a commercial basis in these categories.

In other words, the activity of summer hiking guide can always be practiced without a licence; it is just that hiking guides must not venture on the types of terrain reserved for mountain guides.

⁵ Art. 2 of the Ordinance on High-Risk Activities.

The chart below shows the classification scheme⁶: green: activity that does not require a licence (non-regulated profession); red: activity reserved for mountain guides:

| | Level | Trail/markings/terrain | Requirements |
|--|-------------------------------------|--|---|
| | T1 Hike | Well traced-out trail or path. The exposed areas are very safe. Any accident risks can be eliminated with normal behaviour. If marked: yellow. | None. Can also be completed in trainers. Orientation is not a problem, even possible without a map. |
| | T2 Mountain hike | Trail or path with continuous marked-out route and regular up-hill sections. Some steep terrain. Risk of falling not excluded. If marked: white-red-white. | Surefootedness. Hiking boots recommended. Basic orientation skills. |
| | T3 Challenging mountain hike | Paths are not always visible in the terrain, exposed sections may require ropes or chains; use of hands may be necessary for balance. Some exposed sections with risks of falling, screes, pathless craggy ground. If marked: white-red-white. | Surefootedness. Good hiking boots required. Intermediate orientation skills. Basic mountain experience. |
| | T4 Alpine hike | Path traces not always present, hikers may sometimes need to use their hands to move forward. Quite exposed terrain, tricky grassy slopes, craggy ground, easy névés and snow-free glacier sections. If marked following FSTP convention: white-blue-white | Familiarity with exposed terrain; sturdy hiking boots. Ability to evaluate the terrain and good orientation skills. Alpine experience; in bad weather the retreat may be difficult. |
| | T5 Challenging alpine hike | Often without paths, some easy climbing sections. Difficult exposed terrain, steep craggy ground, glaciers and névés with a risk of slipping. If marked: white-blue-white | Hiking boots required. Experience in judging the ground and very good orientation skills. Solid alpine experience and basic knowledge of using ice axes and ropes. |
| | T6 Difficult alpine hike | Mostly without a path, climbing sections up to II. Often very exposed, tricky steep craggy ground, snow-free glaciers with high risk of slipping. Paths are not normally marked. | Excellent orientation skills. In-depth alpine experience and well acquainted with the use of technical alpine equipment. |

- Type of terrain for winter hikes using snow shoes below the tree line: the difficulty levels below the treeline do not require any licence or declaration. They can be practiced freely irrespective of the difficulty of the terrain.

Guides are, however, subject to a duty of care, whereby they must abandon or adapt their routes even below the treeline, if they realise they do not have the skills required to guarantee the safety of their clients or if the terrain is too difficult.

⁶ Appendix 2, letter 2 of the Ordinance on High-Risk Activities

- Type of terrain for winter hikes using snow shoes above the tree line: snow shoe tours at difficulty levels WT1 and WT2 are possible without a licence (non-regulated profession).

Snow shoe tours at level WT3 taking place above the tree line are regulated and must be declared to the SERI in accordance with the criteria defined above. The route must not cross any glaciers, must not require the use of any technical aids, such as crampons, ice axes or ropes and finally, an appropriate overall assessment must reveal that there is at most a low risk of avalanche in the region concerned⁷.

The difficulty levels of WT4 and above are reserved exclusively for mountain guides. Hiking guides cannot therefore practice these activities on a commercial basis in these categories.

The chart below shows the classification scheme⁸: green: activity does not require a licence; red: activity reserved for mountain guides, orange: guide activity possible following declaration procedure with the SERI:

| | Level | Terrain | Dangers | Requirements |
|--|---|--|---|---|
| | WT1 Easy snow shoe tour (also above the tree line) | < 25°. Overall flat or not very steep. No steep slopes in close proximity. | No risk of avalanche. No risk of slipping or falling. | Knowledge of avalanches not required. |
| | WT2 Snow shoe tour (also above the tree line) | < 25°. Overall flat or not very steep. No steep slopes nearby. | Risk of avalanche. No risk of slipping or falling. | Ability to judge the situation with regard to avalanches. |
| | WT3 Challenging snow shoe tour (<u>above</u> the tree line), provided the route does not cross a glacier, no technical aids are required, such as crampons, ice axes or ropes, and an appropriate overall assessment reveals that there is at most a low risk of avalanche in the region concerned. | < 30°. Not very steep to moderately steep overall. Short steep sections. | Risk of avalanche. Low risk of slipping, short slippery areas that do not present dangers. | Ability to judge the situation with regard to avalanches. |

⁷ Art. 8 of the Ordinance on High-Risk Activities.

⁸ Annexe 2, no. 2 of the Ordinance on High-Risk Activities.

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|--|---|--|---|---|
| | WT4 Snow shoe tour (<u>above</u> the tree line) | < 30°. Moderately steep. Short steep sections and/or crossing of slopes. Some craggy ground. Glacier without many crevasses. | Avalanche risk. Risk of slipping with risk of injury. Low risk of falling. | Good ability to judge the situation with regard to avalanches. Good walking technique. Basic knowledge of the alpine environment. |
| | WT5 Alpine ski shoe tour (<u>above</u> the tree line) | < 35°. Steep. Short steep sections and/or crossing of slopes and/or rocky ledges. Glacier | Avalanche risk. Risk of falling. Risk of falling in a crevasse. Alpine hazards. | Sound ability to judge the situation with regard to avalanches. Good knowledge of the alpine environment. Surefootedness. |
| | WT6 Challenging alpine snow shoe tour (<u>above</u> the tree line) | < 35°. Very steep. Challenging sections and/or crossing of slopes and/or rocky ledges. Glacier with many crevasses. | Avalanche risk. Risk of falling. Risk of falling in crevasses. Alpine hazards. | Sound ability to judge the situation with regard to avalanches. Excellent knowledge of the alpine environment. Surefootedness on rocks, snow and ice. |

Other obligations

The service provider is also required to take out professional indemnity insurance (cover: CHF 5 million)⁹ or to hold equivalent financial guarantees.¹⁰

In all cases, persons planning on providing services must also register with the **State Secretariat for Migration** (www.bfm.admin.ch > Registration procedure CH-EU/EFTA) and follow the *Registration procedure for short-term work in Switzerland* through this office: <https://meweb.admin.ch/meldeverfahren>

This obligation also applies to the activities mentioned above that are not subject to declaration.

Who is a service provider?

Service provision is a temporary, remunerated economic activity (limited to 90 working days per calendar year) that is carried out on a self-employed or non-salaried basis in Switzerland, by persons established in a country of the European Union or the EFTA. For more information, the SERI provides more details on the concept of service providers on its website.

Persons who are not service providers under the terms of the FMA do not benefit from the accelerated procedure for the verification of qualifications. They should get their qualifications recognised in accordance with section III of directive 2005/36/EC by contacting the qualification recognition department at SERI.

⁹ Art. 20 of the Ordinance on High-Risk Activities.

¹⁰ Art.8 para. 3 of the Ordinance on High-Risk Activities.