



St. Gallen, 6 June 2019

Press Release

regarding judgment B-196/2018 of 27 May 2019

University cantons defeated in court

The cantons of Basel-Stadt, Basel-Landschaft and Zurich are not entitled to a double payment of basic contributions for their universities. This is the decision reached by the Swiss Federal Administrative Court.

In August 2017, the cantons of Basel-Stadt, Basel-Landschaft and Zurich asked the Federal Department of Economic Affairs, Education and Research (EAER) to pay them basic contributions to the operating costs of their universities that supposedly had not been paid for 2016. The cantons making the request alleged that in the light of a legal amendment the annual basic contributions were from 2017 onwards no longer paid for the previous but rather for the current year. The cantons claimed not to have received any basic contributions for the 2016 subsidy year and therefore requested CHF 72 million for the University of Basel and almost CHF 111 million for the University of Zurich. The EAER dismissed the request, prompting the university cantons to lodge an appeal with the Federal Administrative Court (FAC) in January 2018.

No entitlement to double payment

The FAC has established that the EAER has unquestionably paid basic contributions to the university cantons every year so far. An additional payment of basic contributions that the cantons were requesting would constitute a double payment. However, this would require a corresponding budgetary decree by the Federal Assembly, although no such decision has yet been forthcoming. No funds were thus made available for such a double payment. However, any entitlement to the additional payment of basic contributions would require that Parliament duly includes the earmarked funds in its budget or grants supplementary credit, thus making the resources actually available. The FAC has therefore ruled that the university cantons by this date are not entitled to an additional payment and has rejected their appeal.

This judgment may be appealed to the Federal Supreme Court if the conditions for admissibility are met.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 355 employees (305.5 FTE) and its 76 judges (68.4 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,500 judgments every year.