AI Regulation: Switzerland to Take a Different Approach than the EU

In Switzerland, no legislation currently governs artificial intelligence (AI). On 12 February 2025, the Swiss Federal Council decided on a regulatory approach based on an overview of possible frameworks presented by the Federal Department of the Environment, Transport, Energy and Communications (DETEC) and the Federal Department of Foreign Affairs (FDFA).

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Regulatory Approach for AI in Switzerland

Switzerland will take a different approach than the EU and has decided not to opt for a comprehensive, horizontal AI Act, but rather for sector-specific amendments, where possible. The Swiss Federal Council has outlined the following key points:

- The Council of Europe's AI Convention will be integrated into Swiss law.
- Where legislative changes are required, these should be sector-specific. General, cross-sector regulation will be limited to key areas affecting fundamental rights, such as data protection.
- In addition to legislation, non-binding measures such as self-declaration agreements or industry-driven solutions are being developed to support implementation.

This regulatory approach has the following objectives:

1. Strengthening Switzerland as a location for AI innovation;
2. Safeguarding fundamental rights, including economic freedom; and
3. Increasing public trust in AI.

Life Sciences and Healthcare Sector

AI presents significant opportunities in life sciences and healthcare, particularly in drug research and development, disease diagnosis, and patient treatments, and it is expected to improve the quality of care, the range of healthcare services, and the cost-effectiveness of the system.

According to the sectoral analysis underlying the regulatory overview, the Federal Office of Public Health (FOPH) is currently undertaking a comprehensive assessment of the use and regulation of AI in healthcare. Given rapid technological advancements, technical standardization and its potential dynamic evolution are key considerations in this work. AI is particularly relevant for medical devices (e.g., image recognition), which has implications for Swissmedic's supervisory activities and will require legal adjustments.

In addition, Innosuisse has launched a flagship initiative on AI in life sciences with a focus on human health to promote innovation in this area.

Consultation Draft and Implementation Plan by End of 2026

The FDJP, in collaboration with DETEC and the FDFA, will prepare a consultation draft by the end of 2026 to implement the Council of Europe's AI Convention. This draft will establish the necessary legal measures, particularly in transparency, data protection, non-discrimination, and oversight.

In parallel, DETEC, together with the Federal Department of Justice and Police (FDJP), FDFA, and the Federal Department of Economic Affairs, Education and Research (EAER), will develop an implementation plan by the end of 2026 for measures not requiring legislative changes. This plan will specifically consider Switzerland's alignment with key trading partners and involve both internal and external federal stakeholders.

The combination of legally binding and non-binding measures aims to provide a stable legal framework while accommodating the rapid evolution and potential of AI.

Thoughts

For life sciences and healthcare, this sector-specific approach is to be welcomed. AI is rapidly transforming various sectors, and healthcare is no exception. In Switzerland, the potential of AI in life sciences and healthcare is significant, particularly in areas such as drug research and development, disease diagnosis, and patient treatments. A sectoral approach ensures alignment with existing frameworks, such as the Medical Devices Ordinance (MedDo), addresses sector-specific ethical concerns, including data privacy and bias in healthcare applications, and allows for a more nuanced approach to ethical issues unique to healthcare.

However, Switzerland will likely take several years to amend its life sciences and healthcare regulations for AI, with changes unlikely before 2028/2029. This time should be used to enhance health data standardization and availability, which are crucial for advancing research and AI-driven innovations.