AFBS News APR 2018 EN

Legislation and Regulation – Domestic

FINMA Annual Report and Enforcement Report

In its annual report the FINMA underlines its enhancement of on-site inspections and deep-dives on specific points. It plans to focus its supervisory activity on the respect of AML rules, including reporting to the Money Laundering Reporting Office MROS, and on the proper implementation of outsourcing. It observes that the majority of banks do outsourcing to some extent. The Enforcement Report summarises the key cases of incidents it was investigating; many cases involve failure to assure proper business conduct or performance of activities without authorisation. **Info**: FINMA: DE FR IT and Enforcement: DE FR IT

FINFRAG implementation

In accordance with the EMIR regulation in the EU and the Swiss Financial Market Infrastructure Law FINFRAG, contracts with Swiss and foreign securities dealers should include a stay clause applicable in case of resolution. The FINMA extended the deadline for implementation of such clauses by up to nine months during which trades can be continued even if no stay clause is included in the contracts. **Info**: FINMA: DE FR IT EN

Duty to report vacancies

On 1 July 2018 the law against mass immigration enters into force. Employers will have to report vacancies in those types of occupation where unemployment is above 8% (5% from 1.1.2020). Types of employment identify an activity, independently from the economic sector (e.g. telephone operator, receptionist, chauffeur). For the time being no list of such types of employments is available. Also the reporting procedure lacks detailed guidance. **Info**: www.arbeit.swiss

The draft revision of the law on equal treatment is in Parliament. It strengthens measures to assure equal salary for men and women by imposing an assessment every four years with publication of a report by an external auditor. **Info**: Federal Office for Gender Equality: DE FR IT EN – Federal Council Dispatch: DE FR IT – Parliament: DE FR IT

Payment Standards: ISO 20022

SIX Group informs that the implementation of the new payment standards ISO 20022 is ongoing. If corporate clients are submitting their payments to the bank they should be aware that such transactions can no longer be made with file exchange (DTA) but need to follow the new ISO 20022 standards. **Info**: DE FR IT EN and DE FR IT EN

Cyber Security

The Federal Council adopts the update of the cyber strategy for 2018-2022. It defines 29 action points in ten fields of intervention, which are to strengthen cyber resilience. Fields of interventions are research, protection of critical infrastructure, extension of services of the centre for information security MELANI to all firms, crisis management, regulation and standardisation, and a strengthened cooperation between Confederation, cantons and private firms

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as well as at an international level. **Info**: DE FR IT and KPMG: DE

Swiss bank account for Swiss nationals resident abroad

Several parliamentary initiatives aim at obliging selected financial intermediaries (PostFinance or systemically important financial intermediaires) to accept relations with Swiss nationals resident abroad. The Swiss Bankers' Association rejects such obligations; it prefers to improve information of concerned persons. The website of the Organisation of Swiss Nationals Abroad lists six banks offering bank services to Swiss nationals resident abroad. Banks can have their name listed if they offer such service. **Info**: DE FR IT EN

Legislation and Regulation – International

EU-GDPR

The EU Regulation on Data Protectoin becomes effective on 28 May 2018. Even though it is not formally applicable in Switzerland, banks with EU clients are looking into its potential impact carefully. The regulation is to be applied whenever data with an EU-nexus is stored or processed, such as when servicing EU-domiciled clients, when sharing data, such as payroll, with EU group entities, etc. **Info**: DE – UE: https://www.eugdpr.org/

The revision of the Swis Data protection may be undertaken in two steps. First, Schengen-relevant adjustments will be made, and second, the Parliament will discuss whether and how the Data Protecion Act will be made equivalent to the EU-GDPR.

Miscellanea

Labour Market

The SECO informs on the positive impact of the role of public employment offices; the average duration of unemployment benefits and the risk of long-term unemployment both decreased in the period from 2003 to 2016. **Info**: DE FR IT

Vollgeldinitiative / Sovereign Money Initiative

The Federal Council explains why it is opposed to the initiative: DE FR IT

The Swiss Bankers' Association informs on the aims and potential impact of the initiative: DE FR

3.5.2018: Speech by Thomas Jordan, Swiss National Bank: "Darum Schadet Vollgeld der Schweiz": LINK

16.5.2018: Conference by the Swiss Finance Institute with Thomas Jordan, Swiss National Bank: LINK

Agenda

Events

- Cyber Security: resilience for foreign banks in Switzerland: N.Niggli, Lugano, 12.6.2018; Geneva, 19.6.2018; Zürich, 22.6.2018.

Members

- New member: Industrial and Commercial Bank of China Limited, Peking, Zurich Branch
- End of membership: M.M. Warburg Bank AG (end of business) – Volksbank AG (takeover by Alpha RHEINTAL Bank AG)

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Last Minute

Federal Councillor Ignazio Cassis on negotiations with the EU: DE FR IT

The Swiss Ambassador to the EU, Roberto Balzaretti, on EU Market Access: LINK

The Federal Council on next steps in re-defining the post-Brexit relationship with the UK: DE FR IT EN

The chairman of economiesuisse, Heinz Karrer on the situation of EU-Swiss relations: DE

EY on taxation of internationally performing athletes: DE FR EN

The EU launches an initiative for regulation to improve protection of whistleblowers: DE FR EN

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