AFBS News February 2025

AFBS Get Together 2025: on 4 June 2025, 16.30-21.00, Zürich

Legislation and Regulation: Switzerland

Federal Council

… presents the conclusion of CH-EU negotiations. The Federal Council highlights the following results: * rules on state aid only apply to three specific areas (air transport, road transport, electricity), while provisions on institutional issues were directly incorporated into the single market agreements; * immigration will continue to be based on economic needs; * impact on social security schemes shall be limited through measures for prevention of abuse; * expulsion for criminal offences is accepted; * long-term wage and working conditions for posted workers have been secured. **Info**: Federal Council: DE FR IT EN; EU Commission Press Release: LINK

… agrees to waive protective measures in stock exchange matters per 1 May 2025. Measures had been adopted responding to the EU's decision to withdraw recognition of equivalence of Swiss stock exchanges. The EU position has not changed. **Info**: Federal Council: DE FR IT EN

… informs that it is going to draw up a mandate for negotiation with the EU to have electronic signatures on documents being recognised in both jurisdictions. **Info**: DE FR IT EN

… published its dispatch on amending legislation in view of transiting from FATCA Model 2 to FATCA Model 1 whereby exchange of information occurs through competent authorities avoiding direct exchange from banks to US tax authorities, as under Model 2. Legislation needs to be amended and expected to enter into force on 1 January 2027. First exchange of information thus expected to take place in January 2028 on tax period 2027. **Info**: DE FR IT EN

… communicates its approach to AI regulation. It wants to ratify the Council of Europe Convention on Artificial Intelligence. This Convention is mostly targeted at the administration and its handling of AI. **Info**: DE FR IT EN

… adopts its dispatch to Parliament of legislation extending automatic exchange of information to crypto assets and amendments to the existing regime for traditional assets. The new regulation enters into force on 1 January 2026. **Info**: DE FR IT EN

… publishes its message on the initiative "For a social climate policy – fairly financed through taxation". It responds to the Young Socialists' initiative for introduction of inheritance tax which would reduce income for confederation and cantons, conflict with cantonal sovereignty, be contradictory with climate policy. It confirms that in the case of acceptance, it will not deploy retroactive effects but necessitate three years transition for implementation during which change of residence remains possible. **Info**: Federal Council: DE FR IT; Initiative: DE FR IT

… adopts an updated National Action Plan to support businesses in respecting human rights. It provides a

AFBS Info serves as a platform for early information and is submitted for confidential use only. Certain information may still be awaiting final approval and may thus be subject to change. Although all sources of information are selected with the utmost care, errors and inaccuracies cannot be excluded.

framework to help businesses effectively integrate human rights into their operations. **Info**: DE FR IT EN

Parliamentary Investigation Committee

... presents its report on the Credit Suisse Crisis and the intervention of the authorities. The task of the PInC was limited to investigating the conduct of the authorities. The report supports the final decision of the authorities but finds several inconveniences in the time before the crisis. Amongst others it criticises that * FINMA had not enforced the existing rules appropriately; * Federal Council and Parliament were hesitant to introduce the Public Liquidity Backstop; * level of information between involved authorities was not the same. **Info**: Report: DE FR IT; Press release: EN

FINMA

... publishes the new Circular Nature-Related Financial Risk. The Circular enters into force on 1 January 2026. Supervised entities from categories 3 to 5 must implement the Circular on climate-related financial risks until 1 January 2027. All institutions must implement the part on nature-related financial risks until 1 January 2028. **Info**: DE FR IT EN and SBA on Linkedin: DE

... issues Guidance 08/2024 Governance and Risk Management on usage of Artificial Intelligence. It sees risks mainly in the areas of operational risk, cyber risk, third party risk (also from concentration of providers). **Info**: FINMA: DE FR IT EN

... confirms that its Circular 2025/02 does not require portfolio management mandates to assess clients' knowledge and experience on each and every product but merely on the global strategy of the mandate.

... updates its NSFR calculation template. **Info**: LINK

... releases updates of its documents relating to guidance of audit strategy, audit frequency, standard audit practice, risk assessment, change of guarantor, and on other topics. **Info**: DE FR IT EN

Federal Data Protection and Information Commissioner

... publishes guidelines on data processing using cookies and similar technologies. **Info**: DE FR

... publishes the "Guidelines on reporting data security breaches and informing data subjects in accordance with Article 24 FDAP". **Info**: DE FR IT EN

Miscellanea

Swiss Financial Innovation Desk publishes a report named "Pathway 2035 for Financial Innovation – Your Navigator". **Info**: LINK

The interdepartmental Coordinating Group Money Laundering and Terrorist Financing (CGMF) published a report on the risk of proliferation financing. The biggest risk identified is the use of front companies, followed by commodities trading, cryptocurrency trading and correspondent banking. **Info**: DE FR IT EN

SIX launches the Digital Collateral Service, permitting financial institutions to post selected cryptocurrency assets as collateral alongside traditional collateral to cover a single exposure. **Info**: DE FR EN ES

SIX Repo Ltd in consultation with market participants and the SNB revised the "Swiss Master Repurchase

AFBS Info serves as a platform for early information and is submitted for confidential use only. Certain information may still be awaiting final approval and may thus be subject to change. Although all sources of information are selected with the utmost care, errors and inaccuracies cannot be excluded.

Agreement". The new version of the Master Agreement will replace the current version as of 2 August 2025. All market participants must sign the Agreement by that day to avoid market fragmentation. **Info**: DE FR IT EN

Legislation and Regulation: International

The European Banking Authority EBA released its fourth Report on the functioning of anti-money laundering and countering the financing of terrorism colleges, highlighting improvements made by competent authorities in 2023. However, the report emphasizes the need for further progress in two main areas: adapting the colleges' operations to the specific money laundering and terrorist financing risks faced by firms and fostering meaningful discussions on a common approach or joint actions among authorities. **Info**: EN

The EU Commission plans to adopt policies contributing to **making the EU thriving**, diverse and fair, for it to become a more desirable place to live, work, and invest. The programme aims at making more efficient implementation of regulation, by joining forces among EU institutions, member states and stakeholders. Innovation will follow three thrusts which are reduction of unnecessary bureaucracy; improvement of rule-making; improvement of rule-implementation. **Info**: EN

Digitalisation

To assure entry into force of E-ID by January 2026 Federal Council works on establishing technological framework and processes and procedures now already. It intends to assure security and protection of private sphere by operating a two-level structure which will operate transactions and data separately and in parallel. **Info**: DE FR IT EN

The Federal Office of Communication assesses impact of the EU digital policy activities on Switzerland. It concludes that there are no major threats but that activities in realms such as cloud, artificial intelligence, cybersecurity, can impact Switzerland through access barriers which can entail fragmentation of and exclusion from markets. **Info**: DE FR IT EN

The Council of the EU proposes Financial Data Access Regulation FIDAR which intends to ease consumers' access to their financial data. It aims at expanding the possibility of sharing data so as to offer clients full control over data they provide and data that is generated. **Info**: EN

Sustainable Finance

Confederation is conducting an update of the survey on Swiss implementation of the Agenda 2030 which identifies 17 goals of sustainable development in social life. **Info**: LINK

Swiss Sustainable Finance launched a Swiss Platform for Impact Investing. Its priority areas are to * engage the Swiss ecosystem around impact investing; * create clarity and transparency on impact investing; * increase flows of capital; * provide an expert voice. **Info**: LINK

The EU Platform for Sustainable Finance published its recommendations aiming at simplifying taxonomy reporting. They encompass: * differentiating between users, uses and geographies; * establishing a materiality principle and KPIs; * providing guidelines for using taxonomy framework and safe harbours for reporting; * permitting proxies and estimates for the green asset ratio (GAR) and green investment ratio (GIR); and * developing simplified and voluntary approaches for small and medium-sized enterprises (SMEs), banks, and investors. It also published a new

AFBS Info serves as a platform for early information and is submitted for confidential use only. Certain information may still be awaiting final approval and may thus be subject to change. Although all sources of information are selected with the utmost care, errors and inaccuracies cannot be excluded.

categorisation scheme offering the strategies sustainable, transition, ESG collection, other products being considered as "unclassified". **Info**: taxonomy: report: DOC and LINK and categorisation: EN

ESMA issues Q&As on implementation of guidance governing fund naming rules. They shall help fostering a common understanding of key concepts. **Info**: Guidelines: DE FR IT EN and Q&A: EN

Tax

On 1 January 2025, the Federal Act on the Taxation of **Work from Home** entered into force, allowing for taxation of cross-border workers who work for employers based in Switzerland, even if they perform home working abroad. The Act was approved on 14 June 2024 and is limited to Switzerland's five neighbouring countries. **Info**: DE FR IT

Miscellanea

Sustainable Finance Switzerland publishes a stocktake of Swiss Impact Investing: LINK

BSS Volkswirtschaftliche Beratung conducts a study on the demographical changes in the work force of the banking sector. The average age of employees continues to rise. Especially the group of people aged 55-64 has increased by 40%. **Info**: DE FR

Internal

Termination of Membership

- EFG Bank Ltd.;
- Société Générale Private Banking (Suisse) SA;
- UniCredit Bank AG, München, succursale de Genève.

AFBS Events

- 7.2.2025 Geneva: AFBS Conf: Introduction into Swiss Implementation of CRD6.
- 14.2.2025: AFBS Group TI: update on current regulatory matters.
- 21.2.2025 Geneva, 24.2.2025 Zürich: AFBS Conference: Digital Assets, speakers from 21shares.
- 26.2.2025 Zürich, 5.3.2025 Geneva: AFBS Conference: Berne Financial Services Agreement, speaker from Schellenberg Wittmer.
- 4.3.2025 Zürich: AFBS C-Meeting Enforcement Practice, speakers from Bär&Karrer.
- 6.3.2025 Zürich and V/C: AFBS Group ESG: update and exchange.
- 12.3.2025 V/C: AFBS Conference on EU AI Act, speakers from DLA Piper Germany, Allegra Law Zürich.
- 26.3.2025: AFBS Group CIB: Swiss SME landscape; speakers from Value2Go.

Last Minute

- Von Rundstedt published its newest edition of the Labour Market Barometer. **Info**: DEFRIT
- National Risk Assessment (NRA): Proliferation Financing by MROS and SIF: DEFRITEN
- Guidance to help identification of transactions related to human trafficking by MROS and OSCE: DEFRITEN
- Federal Council's Digital Switzerland strategy to uphold the country's leading position: DEFRITEN
- ESMA and EBA joint report on developments in crypto-assets: DeFi and related activities: EN
- EBA report on risks and opportunities of tokenised deposits: EN

AFBS Info serves as a platform for early information and is submitted for confidential use only. Certain information may still be awaiting final approval and may thus be subject to change. Although all sources of information are selected with the utmost care, errors and inaccuracies cannot be excluded.