

SBA & SSPA - REVISED GUIDELINES ON INFORMING INVESTORS ABOUT STRUCTURED PRODUCTS PUBLISHED TODAY

Today, the [Swiss Bankers Association](#) ("SBA") and the [Swiss Structured Product Association](#) ("SSPA") finally published the long awaited revised Guidelines on Informing Investors about Structured Products ("Guidelines"), as [acknowledged by FINMA](#) as a minimal standard. Moreover, the [FINMA FAQ Structured Products](#) have been updated, too. However, it is worth noting that the revised Collective Investment Schemes Act ("[CISA](#)") and the revised implementing ordinance are effective since 1 March 2013 already.

The Guidelines will enter into force on **March 1, 2015 only** and **will be applicable to new issuances as of this date only**. Hence, there is enough time to adapt existing simplified prospectus templates to the new requirements.

In our view, the most important points of the revision are the following:

- Adaption of new [concept of "distribution"](#) and revised terminology in accordance with the revised CISA;
- Qualification of Credit-linked Notes issued for investment purposes being structured products;
- The simplified prospectus is to be offered proactively to interested non-qualified investors;
- [SSPA product categorization](#) needs to be provided in the simplified prospectus;
- English is still accepted as the language of the simplified prospectus, however, it shall be indicated on the first page of the simplified prospectus, if it is not available in one of Switzerland's official languages (...);
- Disclosure of Distribution Fee: The issuer of a structured product must disclose all distribution fees which are priced into the issue price or an up-front fee upon issuance, including sales commission paid to distributors;
- New additional disclosure duties with regard to "Actively Managed Certificates", if applicable;
- New disclosure obligations with regard to Security Arrangements, if any.

For more information feel free to contact any of our derivatives specialists (www.nastra.ch)