## Summary

Pre	face	_ VII
Tab	le of Contents	XI
List	t of Abbreviations	XXIX
Ger	neral Bibliography	XXXIV
Inte	ernet Sources	XXXV
1	Introduction	3
2	Types of Banks	11
3	Sources of Banking Law	31
4	Organization of Banks	49
5	Payment System	71
6	Anti-Money Laundering	81
7	Banking Secrecy	97
8	Bank Account	119
9	Opening a Bank Account	127
10	General Terms and Conditions	153
11	Custody Account	165
12	Dormant Assets	175
13	Bank Safe	185
14	Banking Power of Attorney	193
15	Asset Management Mandate	201
16	E-Banking	209
1 <b>7</b>	Loans	221
18	Mortgages	233
1 <b>9</b>	Collateral	245
20	Export Financing	255

X s	Summary
-----	---------

21	Trade Finance	265
22	Savings	273
23	Investment Banking	287
24	Restructuring and Bankruptcy	305
25	Private Banking	315
26	Asset Management Agreement	325
27	Investment Advice	337
28	Wealth Management	345
29	investment instruments	351
30	Financial Products	361
31	Alternative Investments	371
32	Financial Analysis	381
33	Investment Process	389
34	Investment Risks	397
35	Liability of Banks	403
36	External Asset Manager (EAM)	417
37	Family Office	427
38	Art Banking	435
39	Islamic Banking	443
40	Asset Protection	451
41	Offshore Banking	469
A \$	hort History of Swiss Bills	481
ISQ	Currency Codes	521
Glo	ssary	531
Index		607

## **Table of Contents**

	Preface	VII	
	Summary	1X	
	List of Abbreviations	XXIX	
	General Bibliography	XXXIV	
	Internet Sources	VXXX	
7	Introduction		
	The Swiss banking and financial sector	3	
	The terms «bank» and «banker»	4	
	The terms «private bank» and «private banking»	6	
	Banks as financial intermediaries	6	
	Banks as securities dealers	7	
G)	Types of Banks		
$\Delta$	Private bankers	11	
	Cantonal banks	12	
	UBS and Credit Suisse	12	
	Foreign banks	13	
	Savings banks	14	
	Regional banks	14	
	Agricultural credit cooperatives (Raiffeisen banks)	15	
	Commercial banks	15	
	Investment banks	15	
	Securities dealers	16	
	Internet banks and internet securities dealers	17	
	Swiss National Bank	17	

#### X!! Table of Contents

	SWISS Bankers Association	13
	Swiss Banking Ombudsman	19
	SIX Group	20
	PostFinance	22
	WIR Bank	22
47)	Sources of Banking Law	
$\Theta$	Federal Constitution	31
	Banking Act	31
	Banking Ordinance	32
	Foreign Bank Ordinance FINMA	33
	Capital Adequacy Ordinance	34
	Stock Exchange Act	35
	Stock Exchange Ordinance	36
	Civil banking law	36
	Special legislation relating to banks	36
	Financial Market Supervision Act (FINMASA)	37
	FINMA Ordinances	38
	FINMA Circulars	39
	FINMA Newsletter	41
	Collective Capital Investment Act	41
	Securities Held with an Intermediary Act	42
	Self-Regulation	43
//_	Organization of Banks	
	Organization	49
	Outsourcing of business	50
	Accounting	51

		Table of Contents	XIII
	Risk management	54	
	Liquidity	56	
	Capital and liquidity adequacy requirements (Basel II and Basel III)	5 5 <b>7</b>	
	Supervisory and control system	59	
	Board	60	
	Compliance	61	
	Internal control	61	
	Internal audit	62	
	External audit	63	
	Swiss Financial Supervisory Authority FINM	IA 64	
	Payment System		
W	Introduction	71	
	Cash	71	
	Cash supply at the teller	71	
	Cash supply at ATMs	71	
	Check	72	
	Debit card	73	
	Credit card	73	
	Transfer	73	
	SIX Interbank Clearing (SIC) and EuroSIC	74	
	Direct debit (DD)	74	
	PostFinance	75	
	IPI, IBAN and BIC	75	
	SWIFT	, <b>7</b> 6	
	E-Banking	76	
	Digital signature	77	



## Anti-Money Laundering

Project - Flat Rate Tax

Introductory remarks	. 81
The term «financial intermediary»	82
Swiss Criminal Code	83
Anti-Money Laundering Act	85
Anti-Money Laundering Ordinance FINMA	88
Financial Action Task Force (FATF)	90
Agreement on the Swiss Bank's Code of Conduct with Regard to the Exercise of Due Diligence	91
Banking Secrecy	
Term	97
Significance	97
Legal basis	98
Scope	99
Sanctions	99
Rìght and duty to provide information	100
Legal limits	101
International legal assistance in criminal matters	101
International administrative assistance	102
Strict duty of diligence	103
Banking secrecy and Swiss tax law	104
Official and legal assistance for fiscal offences	105
Treaty on the Taxation of Savings Income with the EU	105
Stock market confidentiality	107
Banking secrecy and numbered accounts	107
Changes 2009/2012	107

110



<i>(3)</i>	Bank Account	
	Bank account	119
	Joint account	120
	Joint-ownership account	121
	Numbered account	121
	Escrow account	122



# Opening a Bank Account

Personal requirements	127
Bank account application	127
Signature	127
Inclusion of General Terms and Conditions (GTC)	128
Brochure «Special Risks in Securities Trading»	128
Grant of lien	129
Authorization of fiduciary investments	129
Applicable law and jurisdiction	129
ldentification of contractual partner	129
Determination of beneficial owner	132
Concept of beneficial owner	133
Companies as beneficial owners	134
Attempt at a general definition of the beneficial owner	137
Repeat the verification of identity	140
No active assistance in capital flight	141
No active assistance in tax evasion	141
Opening an account via correspondence	142
Opening a numbered account	142
Lea of affichara ctrusturas as intermedians	1/2



## General Terms and Conditions

Logitageout of pasitiess ( erations) the	100
Right to dispose	154
Review of signature and legitimacy	154
Lack of capacity to act	154
Customer data	154
Dormant accounts	155
Execution of orders	155
Responsibility for investment decisions	156
Transmission error	157
Bank notifications	157
Objections	157
Current accounts	158
Foreign currency account	158
Checks, drafts and similar certificates	158
Fiduciary investments	159
Right of lien and offset on the part of the bank	159
Reservation of special provisions	159
Outsourcing	159
Banking secrecy	160
Fees, commissions and expenses	160
Person and termination of business relations	160
Deposit insurance in the event of a bank failure	161
Change to General Terms and Conditions (GTC)	161
Applicable law and jurisdiction	161

	1	Table of Contents	XVII
ានា	Custody Account		
	Custody accounts and regulations	165	
	Open and closed custody accounts	165	
	Custodial assets	166	
	Diligence	166	
	Delivery of custodial assets	166	
	Transfer of custodial assets	167	
	Custody account fees	167	
	Change to custody account regulations	167	
	Special provisions for open custody accounts	s 167	
	Special provisions for closed custody accour	nts 169	
	Joint-ownership and joint-custody accounts	170	
	Managed accounts	170	
	Numbered custody accounts	170	
J 65)	Dormant Assets		
] 4	Definition	175	
	Historical background	175	
	Guidelines by the Swiss Bankers Association	n 177	
	Forgo special legislation	179	
1 <i>C</i> 5 )	Bank Safe		
1 55	Definition	185	
	Identification of contractual partner	185	
	Safe-deposit box agreement	185	
	Safe-deposit box regulations	186	
	Concluding agreement	186	
	Rental period and termination	186	

#### XVIII Table of Contents

Fees	18
Transfer	18'
Power of attorney	18
Safe contents	18
Safe-deposit lock	18
Keys	188
Access	181
Bank liability	188
Bank statements	188
Termination of rental agreement	188
Change to rental agreement and regulations	189
Inheritance	18
General Terms and Conditions (GTC)	18
Banking Power of Attorney	
Establishment and scope	193
Individual or collective power of attorney	193
Special power of attorney	194
General power of attorney	194
Revocation of a power of attorney	19
Statutory grounds for expiration	19
Power of attorney after death	196
Power of attorney upon death	190

196

Applicable law and jurisdiction

## Asset Management Mandate

Definition	201
Scope of power of attorney	201
Credit limits	202
Fiduciary investment	202
Limits to the power of attorney	203
Electronic transmission of customer data	203
Compensation by the bank to the agent	203
No liability on the part of the bank for the agent	204
Validity of power of attorney	204
Risk	204



## E-Banking

Definition and significance	209
General legal environment	209
Electronic orders	210
Conditions for the use of E-Banking	212
Service offering	212
Registration	212
Access	212
Orders	213
Diligence	213
Exclusion of liability	214
Block access	214
Provisions on powers of attorney	215
Banking secrecy	215
Security	215

	Reservation of statutory regulations	216
	Other provisions	216
957	Loans Definition and significance	
U 4	Definition and significance	221
	Credit check	222
	Loan agreement and opening a line of credit	222
	Current-account credit	223
	Fixed credit (loan)	223
	Unsecured credit	224
	Collateral loan (Lombard)	224
	Private equity and venture capital	225
	Consumer credit	225
	Assignment credit	226
	Forfaiting	226
	Discount credit	227
	Acceptance credit	227
	Documentary acceptance credit	227
	Construction loan	228
يونسر دير	16	
	Mortgages  Definition and significance	
	Definition and significance	233
	Mortgage models	233
	Appraisal of mortgage objects	234
	Lending value	235
	Mortgage rates	236
	Maturity, amortization and termination	236
	Financing the mortgage business	227

### XXII Table of Contents

	Medium-term notes	278
	Bank bonds	279
	Loans from central mortgage bond institutions	280
99	Investment Banking	
	Definition and significance	287
	Capital market	288
	Securities	289
	Issue of securities	290
	Issue process	292
	M&A consulting	293
	Securities trading	293
	Derivatives business	296
	Precious metals	297
	Money market	298
	Repurchase agreement (Repo)	298
	Securities lending	299
/^\ @	Post-vision and Doubouston	
24	Restructuring and Bankruptcy	
	Introductory remarks	305
	Measure in the event of the risk of insolvency	305
	Bank bankruptcy	307
	Deposit protection	309
	State guarantee at cantonal banks	310
	De facto state guarantee for UBS and Credit Suisse	310
	Responsibilities of a bank's executive bodies	311

	'	able of Contents X)
25	Private Banking	
么包	Definition and significance	315
	Onshore and offshore private banking	316
	Private banking providers	317
	Key performance indicators for private bank	xîng 318
	Statutory and contractual regulations	319
<b> </b>	Asset Management Agreement  Definition and significance	
<u>46(0)</u>	Definition and significance	325
	Legal nature	326
	Swiss Bankers Association (SBA) guidelines	326
	FINMA circular	328
	Typical content	330
G) [7]	Investment Advice	
ŒÚ	Term	337
	Significance	337
	Legal basis	338
	Services	338
	Remuneration	340
	Liability	340
<u> </u>	Wealth Management	
49	Definition and significance	345
	Legal basis	345
	Services	345
	Compensation	346
	Liability	347

#### XXIV Table of Contents

$G)(\tilde{0})$	Investment Instruments	
46 V	Introduction	35
	Derivatives	35
	Options	353
	Forwards and Futures	359
90	Financial Products	
30	Structured products	36
	Structured products with leverage	362
	Structured products with participation	362
	Structured products with yield enhancement	362
	Structured products capital protection	363
	Credit bonds	364
	Scoach – Exchange for structured products	366
今) 紹	Alternative Investments	
	Introduction	371
	Hedge Funds	371
	Private Equity	3 <b>7</b> 3
	Real Estate	374
	Precious metals and other commodities	375
	Investments in emerging markets	376
47) 43)	Financial Analysis Definition and significance	
2)45	Definition and significance	381
	Financial analyst	381
	Independence of financial analysis	382

		Table of Contents	XX
	Analysis methods	383	
	Results of financial analysis	384	
ව ව	Investment Process		
ව) ව	Definition and significance	389	
	Asset allocation	390	
	Portfolio optimization	390	
	90/10 strategy	391	
	Selecting sectors and duration	391	
	Stock picking	391	
	Currency management	391	
	Market timing	392	
<u>න</u> //	Investment Risks		
	Introduction	397	
	Risks to the investor	397	
	Risk tolerance and capacity	398	
	Clarification of risks	399	
6) F	Liability of Banks		
55	Contractual liability according to agency ru	ıles 403	
	Liability according to the Stock Exchange A		
	Fulfillment of duties of care and information		
	Liability for investment advice	404	
	Liability arising from wealth management	405	
	Responsibility for negative performance	406	
	Damages	406	

#### XXVI Table of Contents

	Compensation in practice	408
	Applicable law and jurisdiction	409
	Prevention of liability	410
码) 仅	External Asset Manager (EAM)	
(a)	Definition and significance	417
	Regulation	417
	Contractual regulations	418
	Services	420
	Compensation	420
	Liability	421
, F-111,	F 4 66	
(A) (B)	Family Office	
	Definition	427
	Design and function	427
	Services	428
	Remuneration	429
	Clients	430
	Providers	430
නැත	Art Banking	
.S) (5)	Definition and significance	435
	Typical services	435
	Art as an investment	436
₹)(£)	Islamic Banking	
2) Z/	Definition and significance	443
	Islamic banking terms	444

		Table of Contents XX
	Prohibition on interest	445
	Sharia compliant investments	445
// M	Asset Protection	
40	Definition and significance	451
	Function and abuse	452
	Offshore planning	454
	Offshore companies	456
	Insurance solutions	457
	Trusts	457
	Types of trusts	461
<b>Z</b> A	Offshore Banking	
	Introduction	469
	Definition and significance	471
-	Compliance risks	472
	Perspectives	473
	A Short History of Swiss Bills	5 481
	ISO Currency Codes	521
	Glossary	531
	Index	. 607