

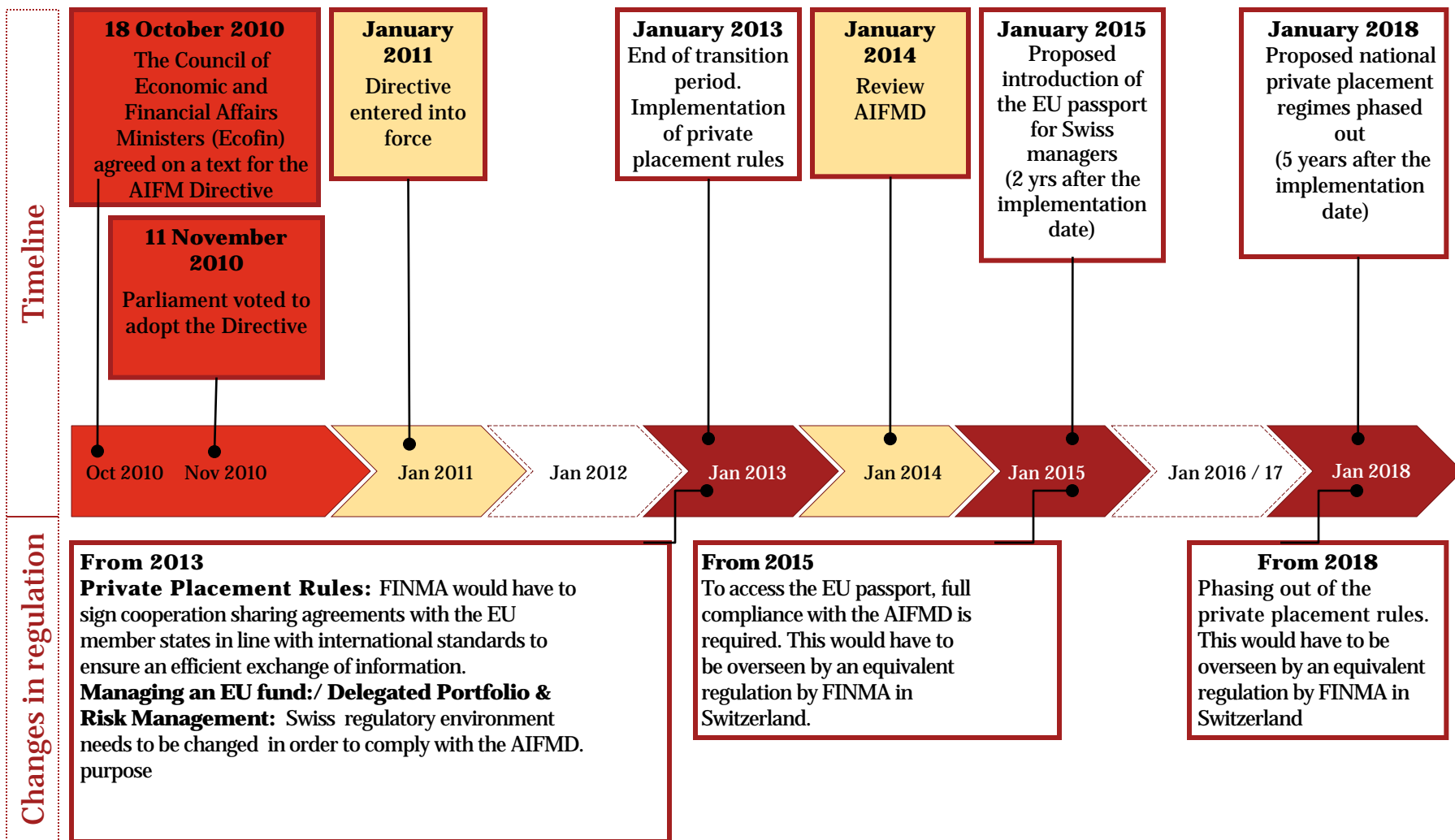
AIFM-Umsetzung und KAG-Anpassung in der Schweiz

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Agenda

1. **Timeline and impact on regulation in Switzerland**
2. **Key aspects for Switzerland**
3. **Detailed requirements for third countries**
4. **Your options**
5. **What needs to be done now**

Timeline and impact on regulation in Switzerland



Key aspects for Switzerland

What?	Details	Impact?
<p>Passive marketing / reverse solicitation</p>	<p>Remains outside of the scope of the Directive</p>	<p>Where Swiss managers currently access EU investors via this method and not through the private placement rules, then this would remain possible without having to comply with any elements of the Directive.</p>
<p>Marketing on a country by country basis</p>	<p>Until 2018 Swiss managers may continue to market non EU AIFs within the EU under the private placement rules, as long as the following requirements are met:</p> <ol style="list-style-type: none"> 1. Compliance transparency and private equity disclosures; 2. Appropriate cooperation agreements must be in place ; 3. Switzerland and the third country where the AIF is established must not be blacklisted by the FATF. 	<p>From 2018 the private placement rules would be phased out and Swiss based managers would have to comply in full with the Directive.</p> <p>Marketing to retail investors is permitted by the AIFMD only at the discretion of the member states where the AIFs are marketed.</p>
<p>Passport</p>	<p>A phased introduction of a passport for third country managers in 2015; requires full Directive compliance.</p>	<p>Full compliance with the Directive required from 2015.</p>
<p>Delegation</p>	<p>For a Swiss manager to perform the function of portfolio management and / or risk management on behalf of a regulated AIFM:</p> <ol style="list-style-type: none"> 1. The manager must be authorised or registered for the purpose of AM and subject to supervision by FINMA; and 2. Cooperation agreements must be in place between the member state supervisory body and FINMA. 	<p>Full compliance with the AIFMD not required.</p> <p>In practise CISA would have to be expanded to allow managers in Switzerland to become regulated by FINMA, for the purpose of managing Alternative Investment Funds.</p>

Detailed requirements for third countries

Entity	EU Passport	National Private Placement Regimes
EU AIFM – EU AIF	<ul style="list-style-type: none"> Comply with full Directive 	<ul style="list-style-type: none"> n/a
EU AIFM – non EU AIF	<ul style="list-style-type: none"> Comply with full Directive Plus comply with conditions 1,2 and 3 of the additional conditions* 	<ul style="list-style-type: none"> Comply with full Directive excluding Article 21 Plus comply with conditions 1 and 2 of the additional conditions*
Non EU AIFM – EU AIF	<ul style="list-style-type: none"> Comply with full Directive 	<ul style="list-style-type: none"> Chapter IV: Transparency requirements (annual report, disclosure to Investor, reporting obligations to competent authorities) Plus comply with conditions 1 and 2 of the additional conditions*
Non EU AIFM – non EU AIF	<ul style="list-style-type: none"> Comply with full Directive Plus comply with conditions 1,2 and 3 of the additional conditions* 	<ul style="list-style-type: none"> Chapter IV: Transparency requirements (annual report, disclosure to Investor, reporting obligations to competent authorities) Plus comply with conditions 1 and 2 of the additional conditions*

Additional conditions:

- Co-operation arrangements between the competent authorities of the AIFM and supervisory authorities where the non EU AIF is established (and or state of reference)
- The third country where the non-EU AIF is established is not listed as non-cooperative country and territory by the Financial Action Task Force on anti-money laundering and terrorist financing
- The third country where the AIF is established has signed tax information sharing agreement with each of the competent authorities of the AIFM and the competent authorities where the fund is marketed

Your options

Description	Implications	Considerations
Opt out	<ul style="list-style-type: none"> Not targeting the EU market 	<ul style="list-style-type: none"> Allowed according to Swiss regulatory environment? Marketing impact? Cost savings?
Pure Advisory	<ul style="list-style-type: none"> Reduce activity to pure advisory activity 	<ul style="list-style-type: none"> Relocation of functions Sustainability of such set up? Cost impacts?
Transform in UCITS	<ul style="list-style-type: none"> UCITS Delegation rules are more flexible 	<ul style="list-style-type: none"> Regulatory restrictions Cost
Swiss Branch set up?	<ul style="list-style-type: none"> Manager in EU with Portfolio Management activity in a Swiss branch 	<ul style="list-style-type: none"> Regulatory risk
Plan to comply	<ul style="list-style-type: none"> Ensure that you are regulated in Switzerland according to KAG (Passport Manager, Portfolio Manager – Delegation, Registration, Opting out with reporting or general regulation for all?) <ul style="list-style-type: none"> Prepare for Private Placement Rules, Managing an EU fund and Portfolio & Risk Management services from 2013 Prepare for proposed introduction of the EU passport for Swiss managers from 2015 Prepare for phasing out of proposed national private placement regimes phased from 2018 	<ul style="list-style-type: none"> Clear map of your fund structures Understanding of your investors Clear overview of your strategy Creating a case for change Operational transformation

What needs to be done now

Our collaborative methodology will be used to establish a framework for your AIFMD solution, tailored to your business requirements, by helping you with:

1. Regulation
2. Completing gap analysis for current fund set up and planned new fund set up's and impact assessments;
3. Defining strategic objectives and planning;
4. Designing and constructing solutions;
5. Implementing agreed actions.