

In comparison with the draft FinSO, the final version of the FinSO contains the following summarised material amendments:

Title	Subject	FinSO Ref.	Changes
General provisions	Definitions	Art. 3 para. 1	Claims arising from an account or deposit contract to payment or physical delivery of, particularly, foreign currencies, fixed deposits and precious metals are no longer considered financial instruments under FinSA.
		Art. 3 para. 2	The term “financial services”, where it includes the acquisition and disposal of financial instruments, has been amended insofar as it is now not too broad nor too narrow (removal of the term “intermediation”).
		Art. 3 para. 3	The list of financial service exceptions has been expanded through several clarifications (in particular, there is no client relationship as defined by FinSA for services such as corporate finance and acquisition and disposals of companies).
		Art. 3 para 6(a)	Not considered as an offer within the meaning of FinSA are the provision of information upon request or own initiative of the client, which has not been preceded by any advertising of the specific financial instrument by the financial services provider or someone appointed by the provider.
	Client segmentation	Art. 4	The provision stating that a client remains allocated to the same client segment for the entire client relationship with a financial service provider has been removed.
Requirements for the provision of financial services	Information on costs	Art. 8 para. 1	Information on costs now also includes, in particular, information on the service provider's one-off and continuing costs and on the costs that arise when acquiring or selling financial instruments.
		Art. 8 para. 3	Only approximations or bandwidths now need to be given for costs that cannot defined in advance or that require a disproportionate amount of effort to calculate accurately. If calculating an approximation or bandwidth also requires a disproportionate amount of effort, this must be declared and the risk of additional fees, taxes or costs must be highlighted.
	Executing and transmission of client orders	Art. 11 para. 2	A clarification has been made that a key information document for execution-only mandates is said to be available if it can be found with reasonable effort.
		Art. 11 para. 3	A provision has been included stating that, also for execution-only mandates, private clients may generally consent to the key information document only being made available after conclusion of the transaction. The consent must be given in writing or in another form demonstrable via text separately from the consent given to the general terms and conditions.
	Timing of the information on risks and costs	Art. 14	The financial services provider's duty to inform the client about changes of risks and costs has been removed.
	Assessment of suitability	Art. 17	The terms “risk profile” and “investment strategy” have been included in the implementing provisions for the suitability assessments.

Register of advisors	Exemptions from the registration duty	Art. 31	Foreign client advisors are exempt from the registration duty if they provide financial services exclusively to professional or institutional clients and are already subject to a prudential supervision abroad.
Advertising	Advertising	Art. 95	The provisions on advertising of financial instruments that are not approved or do not fit the client's profile have been deleted (Art. 95 para 3 FinSo).
Key information document for financial instruments	Language	Art. 89 para. 2	The key information document for collective investment schemes no longer has to be produced in an official Swiss language but can also be drawn up in English only.
Transitional provisions	Client segmentation	Art. 103 para. 1	Extension of the transitional period from one to two years, ending on 31 December 2021.
		Art. 103 para. 2	Asset managers that belong to a self-regulatory organisation (SRO) pursuant to AMLA and are entered in the commercial register can now be classified as professional clients, even if they have not yet been licensed by FINMA under FinIA.
	Required knowledge for client advisors	Art. 104	Extension of the transitional period from one to two years, ending on 31 December 2021.
	Information, audit, documentation and accountability obligations and ( <b>now</b> ) duties of transparency and due diligence on client mandates	Art. 105	Extension of the transitional period from one to two years, ending on 31 December 2021.
	Organisation	Art. 106	Extension of the transitional period from one to two years, ending on 31 December 2021.
	Registration bodies for advisor register	Art. 107	If there is no registration body in place when FinSA comes into force, the six-month period begins only when a registration body is authorised by FINMA or when the Federal Council designates one.
	Prospectus for securities	Art. 109 para. 1	For publicly offered securities or securities for which authorisation for trading on a trading venue is sought, the obligation to publish an approved prospectus applies as of six months following the authorisation of a review office by FINMA, but now as of 1 October 2020 at the earliest.
		Art. 109 para 2(b)	Until the above-mentioned point in time, and if no prospectus has been drawn up under FinSA, the prospectus requirements of the corresponding trading venue govern the listing of securities for trading.
Key information document for structured products and other financial instruments	Art. 111	Extension of the transitional period from one to two years, ending on 31 December 2021.	