

Swiss Federal Collective Investment Schemes Act (CISA), Art. 10

Definition FINMA «Wealthy private individual»

Article 10 of the Swiss Federal Collective Investment Schemes Act (CISA)

Paragraph 3, as qualified investors are considered:

- a) Regulated financial intermediaries such as banks, securities dealers, fund management companies
as well as asset managers of collective investment schemes,
- b) Regulated insurance companies,
- c) Public entities and pension companies with professional treasury departments,
- d) Companies with professional treasury departments;
- e) Wealthy private individuals,*
- f) Investors who have entered into a written asset management agreement with a supervised financial intermediary according to character a.

Paragraph 4, the Swiss Federal Council may constitute further investor-categories as qualified investor.

*** Definiton FINMA «Wealthy private individual»**

12 A wealthy private individual is someone who confirms in writing that he/she directly or indirectly have net financial assets of at least 2 million Swiss francs.

13 Financial investments are bank assets (call- or time deposits), fiduciary assets, securities (including collective investment schemes and structured products), derivatives, precious metals as well as life insurances with a replacement value. Not considered financial investments are direct investments in real estate, illiquid securities and claims from social insurances (including deposits from the 2. and 3. Pillar).

14 The confirmation of financial investments has to be submitted no later than the moment the collective investment scheme is offered and distributed.

15 The advertiser or provider of the collective investment scheme must review the existence of the required financial investments if there are doubts as to whether the person qualifies as a wealthy private individual.

16 A written confirmation is not necessary if the required financial investments are deposited at the bank or at the securities dealer who is also offering or distributing the collective investment scheme.

17 Financial investments, which are indirectly held by the wealthy private individual through a private investment vehicle, can be added to the required amount of 2 million Swiss francs. Private investment vehicles are in this case threatened just like a wealthy private individual. Source: Circular of the Swiss Financial Market Supervisory Authority FINMA about Public advertising within in the context of the Swiss Federal Collective Investment Schemes Act (CISA)

(unofficial translation of the original German text)