

# FINANCIAL SERVICES ACT (FinSA)

*Information intended for clients  
of CA Indosuez (Switzerland) SA*

This document contains general information about CA Indosuez (Switzerland) SA (the "Bank") and outlines the main elements of the Financial Services Act ("FinSA") in the context of the business relationship between the client and the Bank. The relationship managers remain at your disposal for any additional information you may require.

## 1. GENERAL INFORMATION

### 1.1 INFORMATION ABOUT THE BANK

CA Indosuez (Switzerland) SA is a stock corporation incorporated under Swiss law, whose purpose is to operate as a bank for Swiss and foreign private, corporate and institutional clients. Its activities currently include two major sectors, namely Portfolio Management on the one hand, and Financing of Commodity Trading and Commercial Banking on the other. These sectors are supplemented by a function of *coverage* of large companies and financial institutions. The Bank exercises its activities in Switzerland and abroad out of its registered office in Geneva and its network of branch offices (in Zurich, Lausanne, Lugano, Dubai, Singapore and Hong Kong) and its representative office (in Abu Dhabi). The Bank has a subsidiary in Switzerland, CA Indosuez Finanziaria SA, licensed as an asset manager of collective investment schemes by the Swiss Financial Market Supervisory Authority (FINMA).

The Bank's contact details are as follows:

CA Indosuez (Switzerland) SA  
Quai Général-Guisan 4  
CH - 1204 Geneva  
Telephone: +41 58 321 90 00  
website: <https://switzerland.ca-indosuez.com/>

The Bank is licensed and supervised as a bank by the FINMA, Laupenstrasse 27, CH - 3003 Berne, telephone: +41 31 327 91 00, website: <https://www.finma.ch/>. The banking licence also allows the Bank to operate as a securities firm, as well as a portfolio manager and manager of collective assets. These activities are also supervised by the FINMA.

### 1.2 OMBUDSMAN

Client satisfaction is the top priority of the Bank and of the relationship managers, who shall make every effort to reach a satisfactory solution to any client complaints.

However, if such efforts should not be successful, CA Indosuez (Switzerland) SA is affiliated with the Swiss Banking Ombudsman, an information and mediation body whose contact details are as follows:

Swiss Banking Ombudsman  
Bahnhofplatz 9  
P.O. Box  
CH-8021 Zurich  
Telephone: +41 21 311 29 83 (Français / Italiano); +41 43 266 14 14 (Deutsch / English)  
website: <http://www.bankingombudsman.ch/en/>

## 2. IMPORTANT ELEMENTS OF THE FINSA

### 2.1 INTRODUCTION

The FinSA is part of the new Swiss financial market supervision architecture. Its objective are to protect the clients of financial service providers, to set consistent standards for providers with respect to the performance of financial services and thus help improve Switzerland's reputation and competitiveness as a financial centre. The FinSA also regulates the offering of financial instruments.

This law is applicable to financial services provided to clients domiciled in Switzerland and to financial services provided in Switzerland, including for clients domiciled abroad. Under the FinSA, a client relationship exists as soon as the financial service is proposed, even if there is not yet any contractual relationship between the Bank and the client.

The rules of the FinSA are largely inspired by the regulations of the European Union (MiFID II, Prospectus and PRIIPs regulations) and provide for similar regulations.

The FinSA entered into force on 1 January 2020 and is fully applicable since 1 January 2022.

### 2.2 SERVICES AND FINANCIAL INSTRUMENTS

The FinSA is applicable whenever the Bank provides a financial service related to any of the following categories: (i) acquisition or disposal of financial instruments, (ii) receiving and transmitting orders concerning financial instruments, (iii) management of financial instruments (asset management), (iv) issuing of personalised recommendations concerning transactions with financial instruments (investment advice), (v) granting of credit for execution of transactions with financial instruments.

The main financial instruments covered by the FinSA are securities issued in the form of equity securities (particularly shares, participation certificates, dividend right certificates), debt securities (particularly bonds), units in collective investment schemes, structured products and derivatives. The financial instruments selected by the Bank in order to provide financial services may come from the Bank as well as from other group entities or third parties.

### 2.3 CLIENT CLASSIFICATION

The FinSA requires the Bank to classify its clients by placing them in one of the following categories: (i) private clients, (ii) professional clients or (iii) institutional clients. Each category is associated with a suitable level of protection.

- **Private Clients.** The Bank classifies the following as private clients: natural persons, small and medium sized companies, private investment structures without professional treasury operations and, more generally, all clients who are not professional/institutional clients. Unless informed otherwise by the Bank, clients of the Bank will be classified in this category, which will ensure them the highest level of protection once the FinSA has been implemented. The investment universe is generally limited to the products designed or authorised for marketing to private clients.
- **Professional Clients.** Professional clients include large companies and occupational pension schemes, companies and private investment structures with professional treasury operations, which benefit from a lower level of protection than private clients. Professional clients have access to a wider selection of financial instruments than private clients, including financial products that cannot be marketed to private clients.
- **Institutional Clients.** This category, mainly composed of financial intermediaries subject to prudential supervision in Switzerland or abroad, is considered to have sufficient knowledge and experience to evaluate the suitability of any financial service. To this extent, the rules of conduct provided by the FinSA do not apply to transactions with institutional clients.

The FinSA classification is also decisive for the definition of the qualified investor status within the meaning of the Collective Investment Schemes Act.

Finally, it should be noted that, under certain conditions, it is possible for a client to ask to be reclassified in order to benefit from

greater protection (opting-in) or from greater freedom resulting from a lower level of protection (opting-out). The client acknowledges that certain types of financial services provided by the Bank are only provided to clients holding the status of professional client within the meaning of the FinSA and/or having chosen a certain investment strategy. The Bank expressly informs its clients that if they renounce the professional client status or to the investment strategy in question, the Bank will no longer be able to provide the financial service in question and will have to terminate it.

The relationship managers remain at your disposal for any question you may have about client classification.

## 2.4 RULES OF CONDUCT AND ORGANISATIONAL RULES

The FinSA defines the rules of conduct that must be followed by financial service providers. These rules concern (i) the duty to inform, (ii) the duty to verify the appropriateness of the financial services (with regard to the client's knowledge and experience) or the suitability of the financial services (by additionally considering the client's financial situation and investment objectives), (iii) the duty to document and render accounts and (iv) the duty of transparency and due diligence with respect to client orders, including, in particular, the duty to ensure the best execution of such orders.

The scope of the rules of conduct depends on the type of financial service provided and the classification of the client. No verification of appropriateness or suitability is carried out before providing services limited to the execution or transmission of orders (execution only) with respect to accounts that do not benefit from a complete documentation determining the investor profile and the investment strategy duly completed and signed by each holder.

Furthermore, if the client has an external asset manager, the duties arising from the FinSA are assumed by the external asset manager and not by the Bank. In particular, only the external asset manager is required to establish the client's investor profile, to verify the appropriateness and suitability of the advisory or management services and to make available the key information document and the prospectus.

To be able to comply with the rules of conduct, financial service providers must take appropriate organisational measures, especially in order to avoid potential conflicts of interest that may arise when providing financial services and to protect clients from any disadvantages that may result from such conflicts.

## 3. TAKING INTO ACCOUNT SUSTAINABLE FINANCE PREFERENCES

Clients who have entrusted the Bank with an investment advisory or discretionary management mandate are required to complete a questionnaire to determine their investor profile. This questionnaire also allows clients to indicate whether they wish to take sustainable finance criteria into account in their investment choices. Please note that in the event of interest on the part of a client, the Bank will implement for any client who has entrusted the Bank with an investment advisory or discretionary management mandate from 1<sup>st</sup> of January 2024 (except private equity/private markets mandates) the following measures:

### a) Clients with an investment advisory mandate

- The Bank will offer the client at least one 'sustainable' advice per semester, taking into account extra-financial environmental (E), social (S) and governance (G) criteria (ESG);

- The Bank will provide the client, pursuant to his/her instructions, with portfolio estimates containing the ESG ratings (if available) of the financial instruments in question. Please note that not all financial instruments have an ESG rating (e.g. cash, term deposits, gold, derivatives and private equity/private markets investments).

### b) Clients with a discretionary management mandate

- The Bank will provide the client, pursuant to his/her instructions, with portfolio estimates containing the ESG ratings (if available) of the financial instruments in question. It should be noted that not all financial instruments have an ESG rating.

In the context of an advisory mandate for private equity/private markets investments and/or a discretionary management mandate for private equity/private markets investments, the Bank does not undertake to offer financial instruments that meet ESG criteria. The Bank will not also take such criteria into account when its services are limited to the execution or transmission of orders (execution only) or in the context of a one-off transactional advice. That said, clients can obtain information on the list of financial instruments that meet sustainable finance criteria.

## 4. DISCLAIMER

This document is provided for information only and does not constitute legal advice on the scope of the FinSA.

It should not be considered as an advertising document and does not constitute a solicitation or an offer of financial services, or a recommendation to buy or sell any financial instrument.

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