

Frequently asked questions (FAQs)

Scope of supervision

(last amended on 1 October 2009)

1. Which institutions are supervised by FINMA?

FINMA only supervises institutions that engage in activities requiring authorisation and that have been duly authorised¹.

Authorised parties are supervised with a greater or lesser degree of intensity depending on the level of protection required. Banks and insurance companies are subject to the closest supervision, followed by securities dealers, fund management companies and asset managers of collective investment schemes.

Apart from these institutions, which are in part supervised to protect the interests of creditors, investors and insured persons, certain other financial service providers are also subject to limited financial market supervision in connection with the prevention of money laundering. This category includes, in particular, independent asset managers that do not maintain accounts or custody accounts for their clients themselves or with third parties, but have power of attorney in the name and for the account of their clients over their clients' assets deposited with a bank or securities dealer. Conversely, asset managers that maintain settlement accounts for their clients and issue orders to purchase or sell securities in their own name but for the account of their clients are treated as securities dealers for the purposes of supervision. Distributors within the meaning of the Collective Investment Schemes Act are authorised but not subject to ongoing supervision.

An up-to-date overview of all authorised and registered supervised institutions can be found on the FINMA website².

2. What happens to unauthorised institutions?

FINMA imposes appropriate measures on a case-by-case basis against companies or persons that engage in activities requiring authorisation without having a corresponding authorisation, in order to restore compliance with the law. Possible measures³ can range all the way up to the liquidation of the company in question.

¹ www.finma.ch/e/beaufsichtigte/pages/bewilligungstraeger.aspx

² www.finma.ch/e/beaufsichtigte/pages/bewilligungstraeger.aspx

³ www.finma.ch/e/faq/privaten/pages/faq-vorgehen-unbewilligte.aspx

FINMA publishes a list⁴ of companies and persons suspected of engaging in unauthorised activities. Inclusion in the list does not necessarily mean that the activity in question is being exercised illegally. However, investors and other market participants should be made aware of the fact that the companies and persons listed have not been authorised by FINMA.

3. Who can I contact if I have further questions?

questions@finma.ch or Phone +41 31 327 91 00

⁴ www.finma.ch/e/sanktionen/unbewilligte-institute/pages/default.aspx