

At a glance: enforcement measures

The Financial Market Supervision Act (FINMASA) has granted FINMA additional enforcement powers over and above those accorded to its predecessor authorities. The charts show how FINMA uses these powers.

Authorised segment

Measures against licence holders

- A** Deployment of an investigating agent (I)
- B** Declaratory ruling / reprimand
- C** Special conditions and restrictions (II)
- D** Implementation overseen by third parties (III)
- E** Suspension and removal of assurance holders (IV)
- F** Disgorgement of profits
- G** Withdrawal of licence
- H** Liquidation/bankruptcy proceedings

Measures against governing bodies, owners and employees of licence holders

- A** Declaratory ruling / reprimand
- B** Suspension and removal (V)
- C** Professional prohibition and ban on activity (VI)
- D** Disgorgement of profits

Unauthorised segment

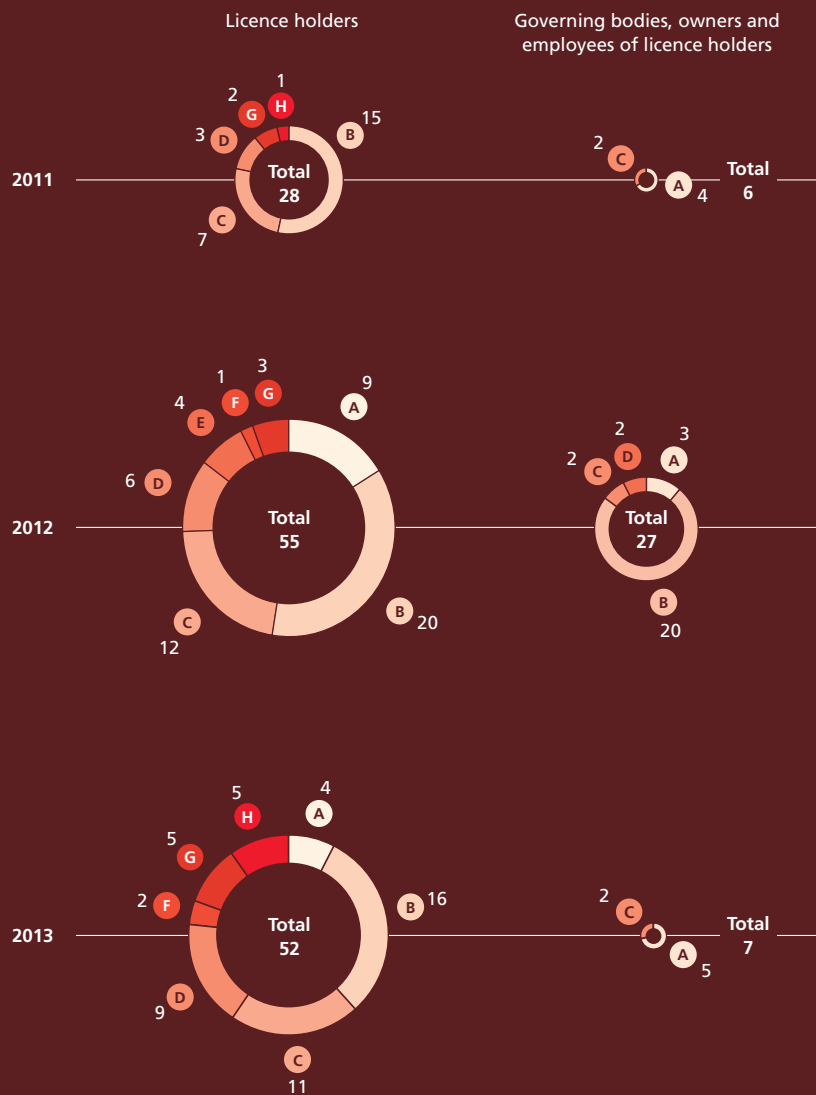
Measures against companies

- A** Deployment of an investigating agent (I)
- B** Declaration of unauthorised activities
- C** Liquidation
- D** Bankruptcy proceedings (VII)

Measures against individuals

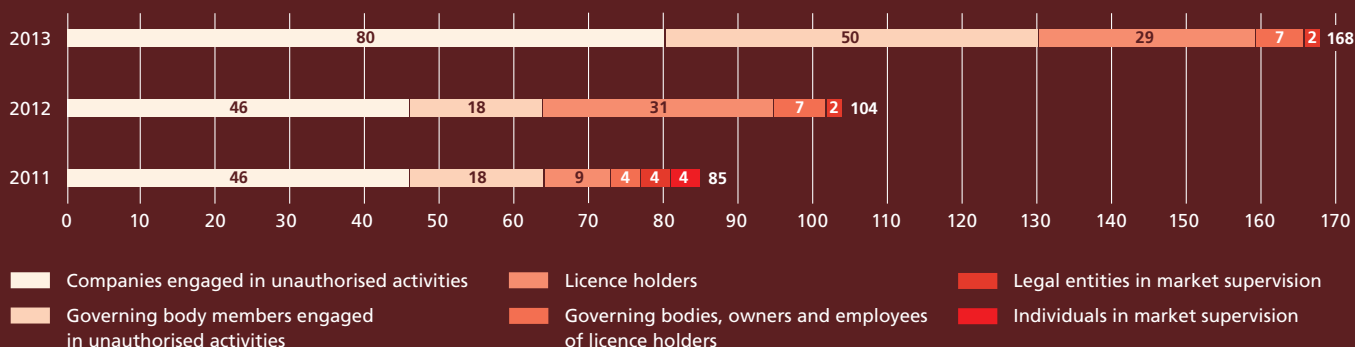
- A** Declaration of participation in unauthorised activities
- B** Ban on activity
- C** Publication (VIII)

Type and number of measures in the authorised segment

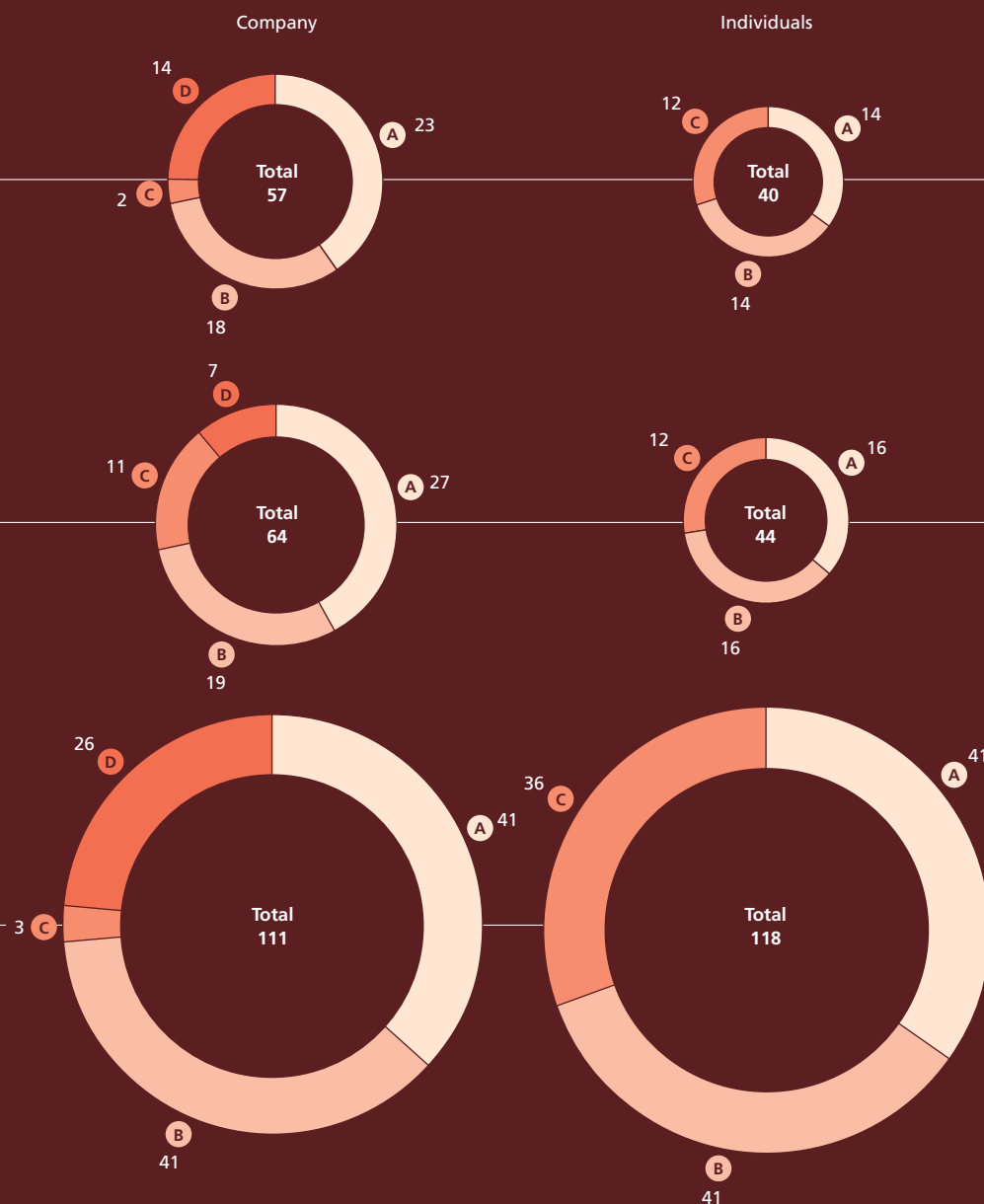


Number of recipients of rulings by sector and individuals affected

FINMA issues enforcement rulings against companies and individuals in the authorised and unauthorised segments or with regard to market supervision. This chart shows the category and number of enforcement proceedings between 2011 and 2013.



Type and number of measures in the unauthorised segment



Notes on method of counting

The number of persons affected is counted (and not the number of rulings). Where different types of measures were applied cumulatively against an individual/entity, e.g. an organisational measure to restore compliance with the law under Article 31 FINMASA as well as an order to disgorge profits, these have been counted separately. However, when a number of measures of the same type were applied to a single individual/entity, e.g. a number of measures to restore compliance with the law, these have been counted only once.

Notes on individual categories

- I Ordered as a precautionary measure during an investigation.
- II Rulings based on Article 31 FINMASA.
- III As part of a final ruling on the adoption of controls for the purpose of implementing special conditions.
- IV Number of licence holders affected.
- V Number of individual governing body members affected, 17 of which were part of the same proceedings in 2012.
- VI Under Article 33 FINMASA and Article 35a SESTA.
- VII If the opening of bankruptcy proceedings followed a liquidation already ordered by FINMA, this was not counted again for the purposes of this chart.
- VIII As a rule, a ban on activity; see judgment of the Federal Administrative Court 2C.30_2011/2C.543_2011 of 12 January 2012, consid. 5.2.2.