

At a glance: enforcement measures

The Financial Market Supervision Act has granted FINMA greater enforcement powers than its predecessor authorities. The charts below show how FINMA uses these powers.

Licence holders

Measures against licence holders

- A** Appointment 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 members of ultimate management (IV)
- F** Disgorgement of profits
- G** Licence withdrawals
- H** Liquidation /bankruptcy proceedings
- I** Publication of rulings

Measures imposed against ultimate management, owners and employees

- A** Declaratory ruling / reprimand
- B** Suspension and removal (V)
- C** Industry and activity bans (VI)
- D** Disgorgement of profits

Unauthorised activities

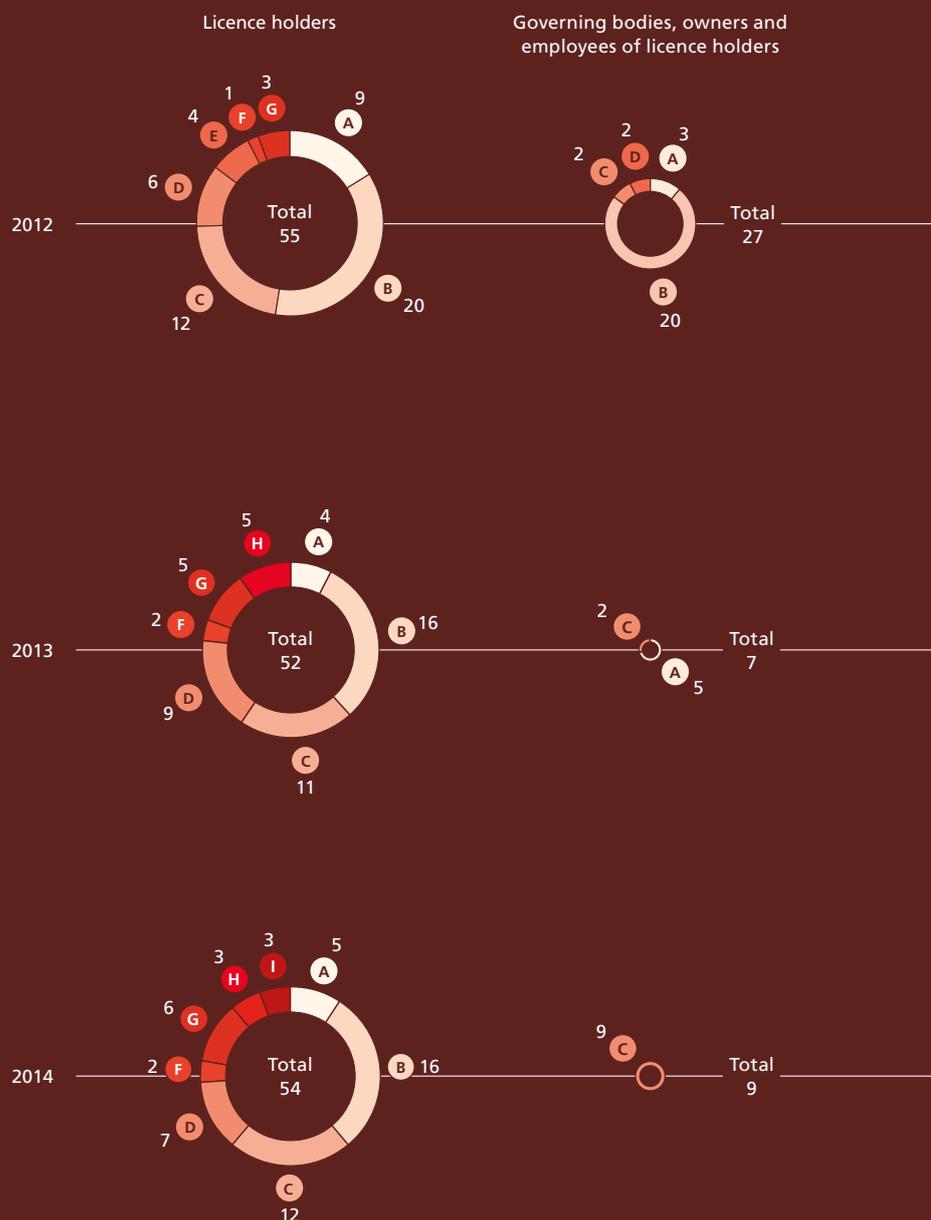
Measures against companies

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

Measures against individuals

- A** Declaration of involvement in unauthorised activities
- B** Cease and desist orders
- C** Publication of rulings (VIII)

Type and number of measures: licence holders



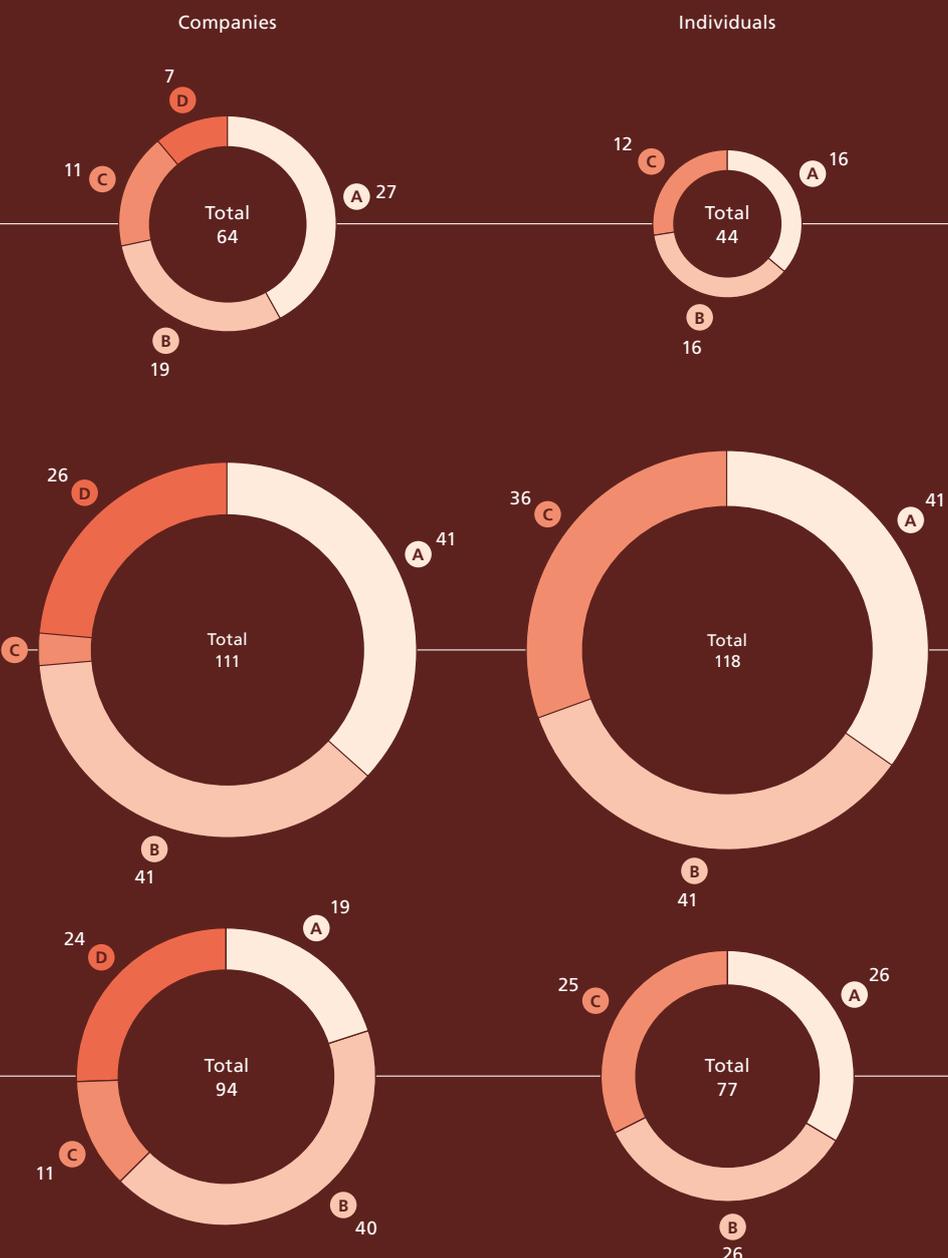
Number of addressees of rulings according to sector and parties affected

In terms of authorised and unauthorised activities, FINMA issues enforcement rulings against companies and individuals that are subject to financial market supervision. This chart shows the category and number of enforcement proceedings between 2012 and 2014.



Although the number of rulings was almost the same as in 2013,⁸¹ the number of addressees issued with rulings involving authorised and unauthorised activities was lower in 2014. On average, there were fewer rulings directed at a number of parties (legal entities and individuals) simultaneously.

Type and number of measures: unauthorised activities



Method of counting

The number of parties 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.

Individual categories

- I Ordered as a precautionary measure during an investigation
- II Rulings based on Article 31 FINMASA
- III In a final ruling on adopting controls to implement special conditions
- IV Number of licence holders affected
- V Number of ultimate management members affected, 17 of which were involved in the same proceedings in 2012
- VI Under Article 33 FINMASA and Article 35a SESTA
- VII If initiation of bankruptcy proceedings followed a liquidation already ordered by FINMA, this was not counted again in this chart
- VIII Generally cease and desist orders; see Federal Administrative Court decision 2C.30_2011/2C.543_2011 of 12 January 2012 consid. 5.2.2.

⁸¹ See "Statistics", section on Enforcement rulings, p. 109.