

CAS Tax Compliance for Financial Institutions 02/18

Course 9 - Regulatory Compliance Aspects within Switzerland and in a Cross Border Context

23 May 2019, 24 May 2019, 25 May 2019

Thursday, 23 May 2019

Course leader: Prof. Dr. Sabine Kilgus / Nicolas Ramelet

| Time | Topic | Speaker |
|---------------|---|---|
| 08:00 - 12:30 | General introduction in the financial services and its regulation: - What are the regulated financial institutes, services and products? • Banking, Insurance, securities dealer, collective investment schemes, (independent) asset management, family offices, services/products to be authorised by FINMA- BankA, ISA, BEHG, FMIA, CISA, CO, particularly agency duties, criminal code, FINMA and other directives, circulars etc. • FINMA, SROs, Bankers' Association, FIDLEG and FINIG-regime other regulatory authorities and sanctions | Prof. Dr. Sabine Kilgus (University of St. Gallen) & Nicolas Ramelet (Mercury Compliance AG) |
| 12:30 - 13.30 | Lunch Break | |
| 13:30 - 14:15 | Looking over the edge: What happens when Swiss financial market players have cross-border relationships with regard to Swiss regulation and associated business practices: • Foreign Clients • Doing business abroad • Compliance with foreign laws | Prof. Dr. Joachim Frick (Baker McKenzie) |
| 14:15 - 15:45 | Supervision regime for client advisors (CA), EAM and Trustees under FIDLEG and FINIG, incl. Ombudsman's office and CA-registry, incl. risk classifications for EAM and Trustee. | Sabine Bartenschlager-Igel (PwC Legal Switzerland) & Martin Liebi (PwC Legal Switzerland) |
| 15:45 - 16:00 | Break | |
| 16:00 - 16:45 | Tax Suitability in a Cross-Border context | Sergio Udry (Geissbühler Weber & Uldry) |
| 16:45 - 18:00 | Cross-border impacts of Fidleg and Finig in view of Swiss market access vs cross-border impacts of Mifid 2 in view of the European market access, insider transactions, market manipulation; | Giacomo Gianella (Cornèr Bank) |

Friday, 24 May 2019

Course leader: Prof. Dr. Sabine Kilgus / Nicolas Ramelet

| Time | Topic | Speaker |
|-----------------------------|--|---|
| 08:15 - 12:15 (incl. Break) | <ul style="list-style-type: none"> • Summary of day 1 • Compliance requirements in general, sanctions in case of non-compliance, specific issues, compliance function, organisation, internal regulations and directives, technology. • General introduction in AML topics: <ul style="list-style-type: none"> - Which financial intermediaries fall under the scope of AMLA- AML system in Switzerland: Interaction between EFD, MROS, FINMA, SRO, financial intermediaries- FATF/International regulations - Duty to report in case of money laundering/financing of terrorism/procedure - Sanctions: EFD/FINMA/Supervisory board CDB/SRO Financial intermediary's AML duties:- Formal duties (Verifying the identity of the contracting partner, establishing the identity of the beneficial owner)- Material duties (special duties of due diligence - z.B PEPs/Corroboration requirements - prohibition of active assistance in tax evasion and similar acts) | <p>Dr. Martin Neese (Neese Hagmann Stalder) & Roger Bachmann (VQF) & Simon Wälti (VQF)</p> |
| 12:15 - 13:30 | Lunch Break | |
| 13:30 - 14:15 | <p>Art. 305bis Criminal Code: aggravated tax misdemeanour</p> <ul style="list-style-type: none"> • Conditions • Financial intermediary's duties: Establishing a Tax compliance policy and monitoring of financial transactions | <p>Lea Ruckstuhl (Kellerhals Carrard)</p> |
| 14:15 - 14:45 | Break | |
| 14:45 - 16:00 | CDB 16: Establishing the identity of the beneficial owner of operating legal entities and partnerships- Passive vs active entities- Operational companies: Concept of controlling person | <p>Vivien Jain (Aquila AG)</p> |
| 16:00-16:15 | | |
| 16:15 - 17:00 | Regulatory Compliance Questions when dealing with Crypto Assets | <p>Dr. Guenther Dobrauz / Dr. Jean-Claude Spillmann (PwC Legal Switzerland)</p> |
| 17:00 - 17:45 | Regulation as strategic dimension & RegTech as the new normal in Compliance | <p>David Bundi (PwC Legal Switzerland)</p> |

Saturday, 25 May 2019

Course leader: Prof. Dr. Sabine Kilgus / Nicolas Ramelet

| Time | Topic | Speaker |
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| 10:00 - 11:00 | Regulatory Outlook 2019/2020 and Monitoring of regulatory developments | <p>Micheal Taschner / Dr. Antonios Koumbarakis (PwC Legal Switzerland)</p> |
| 11:00- 11:30 | Break | |
| 11:30 - 13:00 | Exam of the courses 6 & 9 | <p>Dr. Roland A. Pfister (Lucerne University of Applied Sciences and Arts)</p> |