

ADMISSION BOARD COMMUNIQUÉ NO. 13/2006 OF 14 DECEMBER 2006

Abrogation of Art. 17 in fine of the Additional Rules for the Listing of Bonds

Decision of the Admission Board: 13 September 2006

Entry into force: 1 January 2007

I. BACKGROUND

On 1 February 2005, the **Additional Rules for the Listing of Bonds** (AR Bonds) entered into force. Pursuant to Art. 16 of those rules, it is permissible in a prospectus to make reference to another published document instead of integrating that document into the prospectus ("incorporation by reference"). The reference documents must be made available to investors in physical form. **Art. 17 AR Bonds** also prescribes that **issuers must provide for the possibility that all reference documents can be readily accessed in electronic form via the company's own Website**. The content of this provision was derived from Directive 2003/71/EC of 4 November 2003 (Prospectus Directive), which had to be implemented by all EU member states by 1 July 2005. However, according to Art. 14 of the Prospectus Directive, the member states were granted an option to introduce in their national implementing ordinances the obligatory electronic availability of reference documents via the company's own Website.

II. ABROGATION OF ART. 17 IN FINE AR BONDS

A comparison of the EU member states' implementing ordinances that were examined with regard to the aforementioned rule of the Prospectus Directive has revealed that the Swiss concept, according to which the issuer is obligated to make the reference documents available via the company's own Website, was not adopted. **In none of the examined EU member states is necessary to publish the reference documents on the company's own Website.**

It is not the desire of SWX to maintain rules on SWX that extend beyond those of the EU member states and thereby could lead to a competitive disadvantage, among other things because they present issuers with legal problems (e.g. the threat of violation of sales restrictions under foreign law; liability issues due to the functional approach to prospectus-related liability).

For these reasons, the Admission Board has decided to **abrogate Art. 17 in fine AR Bonds without replacement**. The informing of the public is ensured through the issuer's obligation to make available at no cost all reference documents in physical form.

III. ENTRY INTO FORCE

The revised Additional Rules for the Listing of Bonds shall enter into force on **1 January 2007**.

The printed version of the revised Additional Rules will be sent with the next delivery of change pages for the "Admission of Securities" manual. However, the Additional Rules are available immediately on the Internet at:

http://www.swx.com/download/admission/regulation/rules/addrules_listbonds_010107_en.pdf

The Admission Board Communiqués are available in English, German and French at http://www.swx.com/admission/regulation/messages/2006_en.html